

person who, with or without any horse or other beast, etc.

No reference is made to motor cars, and I told my people that was so. Horse-drawn vehicles are not employed by travellers in the city, and the clause would, therefore, not apply to them. I think it is a mistake that no reference is made in the Bill to motor cars.

Hon. J. J. Holmes: Do you think a motor car constitutes a shop?

Hon. J. M. MACFARLANE: No. I hope Mr. Drew can see his way to having the Bill amended to deal with the back country hawker separately from the hawker doing business in the metropolitan area. I am in duty bound to protect these workers in the metropolitan area so that they may not lose their occupations at a time when work is so hard to get.

On motion by Hon. H. Tuckey, debate adjourned.

*House adjourned at 10.20 p.m.*

## Legislative Assembly.

*Wednesday, 9th November, 1938.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### QUESTIONS (2)—NATIVE ADMINISTRATION ACT.

*Sister Kate's Home, Classing Inmates.*

Mr. NULSEN asked the Minister representing the Chief Secretary: 1, Have the

children in Sister Kate's Home been ordered by a magistrate to be classed under the Native Administration Act? 2, If so, who was the magistrate that so ordered? 3, Were the relatives of the children given the opportunity to appear?

The MINISTER FOR JUSTICE replied: 1, No. 2, Answered by No. 1. 3, Answered by No. 1.

### *Remuneration of Natives and Half-castes.*

Hon. P. D. FERGUSON asked the Minister representing the Chief Secretary: 1, What remuneration is paid to natives and half-castes at the Moore River Native Settlement engaged in the occupations of—(a) woodcarting, (b) kangaroo hunting, (c) farm work, and (d) other occupations for and on behalf of the settlement? 2, What remuneration is paid to natives and half-castes for similar work at the Mount Margaret Mission?

The MINISTER FOR JUSTICE replied: 1, In addition to food, clothes, boots, bedding, housing, medical and hospital attention and other requirements, pocket money up to 10s. monthly. Able-bodied adult natives are not compelled nor encouraged to remain at Moore River Settlement unless committed under Section 12 of the Native Administration Act. 2, This information is not known to the department.

### QUESTION—RAILWAYS.

#### *Chief Mechanical Engineer's Accrued Leave.*

Mr. STYANTS asked the Minister for Railways: 1, What is the total period of holiday leave due to the Chief Mechanical Engineer, Mr. Broadfoot? 2, What period of leave is due to him under the respective headings of—(a) accumulated, current, and *pro rata* long service, (b) accumulated and current annual leave? 3, When did he last clear all leave due to him?

The MINISTER FOR RAILWAYS replied: 1, See answer to No. 2. 2, (a) 9 months accumulated and 56 days *pro rata*; (b) 132 days accumulated and 12 days current. 3, Portions of leave have been cleared periodically but for some considerable time it has been more convenient to the department to allow a certain amount of leave to accumulate.

**QUESTION—POULTRY FARMERS.***Losses by Theft.*

Mr. SAMPSON asked the Minister representing the Minister for Police: As poultry farmers in the outer suburban and metropolitan areas are again suffering frequent losses on account of thieves operating in the poultry yards, will he—(a) arrange for the Traffic Police to operate throughout the night, and (b) to inquire specially into the circumstances of any vehicle carrying poultry after dark, and, (c), as an honest man would probably raise no objection, investigate the source of supply of notorious price-cutters?

The MINISTER FOR AGRICULTURE replied: (a), (b), (c) Only one complaint of poultry stealing in outer suburban areas has been received this year, and the metropolitan areas are covered by the police patrol.

**QUESTION—WATER SUPPLY.***Work at Brunswick.*

Miss HOLMAN asked the Minister for Works: 1, How far has the work in connection with the Brunswick water supply progressed? 2, When is it expected that this work will be completed?

The MINISTER FOR WORKS replied: 1, Reservoir basin and weir site have been cleared; foundations for weir in progress; four miles of pipe trench excavated; pipes are being distributed. 2, About four months.

**QUESTION—ROAD CONSTRUCTION.***Harvey or Wokalup to Collie.*

Miss HOLMAN asked the Minister for Works: 1, Has he considered the request made that a road be constructed from Harvey or Wokalup via Mornington Mill to Collie? 2, If not, will he give immediate consideration to the request?

The MINISTER FOR WORKS replied: 1, Yes: financial considerations preclude the work being undertaken at present, but the most favourable consideration possible will be given when next year's road programme is being prepared. 2, Answered by No. 1.

**QUESTION—INCOME TAX ASSESSMENT ACT AMENDMENT BILL.***As to Speaker's Ruling.*

Hon. C. G. LATHAM: May I ask whether you, Mr. Speaker, are prepared to give your

decision upon the point of order raised the other evening with regard to the Income Tax Assessment Act Amendment Bill?

Mr. SPEAKER: I am prepared to give my ruling when the question is raised. The point was mentioned and I was not in a position on the spur of the moment to give my ruling. I suggested the matter should be postponed to enable me to look into it. In the meantime I have done so, and when the Order of the Day is called on, I shall give my decision.

**BILL—BOOKMAKERS.**

Introduced by the Minister for Agriculture and read a first time.

**BILL—COMPANIES ACT AMENDMENT.**

Read a third time and transmitted to the Council.

**BILL—QUALIFICATION OF ELECTORS (LEGISLATIVE COUNCIL).***Second Reading.*

Debate resumed from the 25th October.

MR. DOUST (Nelson) [4.39]: I intend to support the second reading of the Bill, although in some respects I regard it as unsatisfactory and hope that we shall have an opportunity to secure some amendments when we consider it in Committee. No public agitation has been apparent for such legislation, at any rate during the last three years, but, of course, it may be said with equal truth that there has been no opposition displayed during that period to the broadening of the Council franchise so as to make it applicable to a greater number of people in the State. I presume that the people's acquiescence under present conditions is due to the fact that they realise that to ask for what they really desire with any hope of obtaining it is almost impossible. Doubtless the Minister in introducing the Bill seeks to meet their wishes to some extent, hoping that the proposals he has made will subsequently be accepted by the other Chamber. I am opposed to the abolition of the Upper House. I favour the bicameral system and in that respect I am entirely opposed to one of the planks of the

Labour Party's platform. I do not approve of single Chamber Government, though to have a single Chamber Government might be preferable to having Government by two Houses as at present constituted. To have two Chambers—the second Chamber with a broadened franchise and one more correctly representing the democracy of Western Australia—would be better than merely to have a single Chamber. The Federal system of two Houses of Parliament elected on the broadest possible franchise, meets with my entire approval. I would heartily support the proposal for a Legislative Council in Western Australia constituted on similar lines; but to strive after that at this stage is almost like asking for the moon.

The second Chamber should more adequately express the wishes of the people of Western Australia than it does at present. Palpably that Chamber does not properly represent the people and cannot do so for the simple reason that it is elected by less than a third of the adult population of the State. A good deal of dissatisfaction is occasioned by the present system. That can be well understood when one realises that at the election held a few months ago something like 30,000 people returned members to the Legislative Council and were thus able to over-ride the desires of roughly 250,000 people who elected members to this House on an adult franchise. The present suffrage is undoubtedly taxation without representation and that system is absolutely foreign to the principles of British justice. I strongly support the new clause that proposes to give a vote to householders living in a substantial structure. I am, however, somewhat disappointed with the definition at the end of the clause, which I consider rather vague, indefinite and altogether undetermined. In my electorate are several hundred married people living in four to six-roomed houses. They are paying from 4s. to 6s. a week for those residences. Many of them have been in occupation for anything up to 20 years, and they have reared families in those homes. In many instances children of the third generation are living there. Those people are genuinely attached to Western Australia and they have just as much right to vote as anybody else in the State. They are, however, debarred from voting. On the other hand, when there is an Arbitration Court

case to consider the wages of the men living in those buildings, the low rent is used to reduce the marginal wages allowed for skill. The reduction thus obtained more than offsets the rent paid for the residences. Again, there are married couples on farms who are occupying dwellings and of those there is a considerable number throughout Western Australia. I feel safe in saying that they would outnumber those occupying dwellings in the mill centres.

Surely it cannot be contended that the people who are spending a lifetime on farms working for someone else are not entitled to a vote for the Upper House? We know that when the amount of wages to be paid is discussed, at least 10s. a week is deducted from the amount decided upon, that amount representing the value of the house occupied. I claim that those people are justly entitled to a vote for the Upper House although they are not actually paying in cash any rent for the homes they occupy. In some cases they may pay rent, but in the majority of cases they do not. The farm labourers are definitely incorporated in the life of this State. They rejoice with the farmers in times of prosperity and sympathise with them in days of adversity, and they are justly entitled to vote for the Upper House of this State. Generally speaking, they are not adherents of the Labour Party. It would be correct to say that the mill employees are definitely supporters of the Labour Party, but with just as much reason could the claim be advanced that employees of farmers are definitely supporters of another party. I hope that the franchise for electors of the Legislative Council will be broadened even more than is proposed by Clause 4 of the Bill, and during the Committee stage I intend to move three new paragraphs after sub-paragraph (iv) of paragraph (b) of proposed new Section 15. Paragraph (v) would then read, "was a member of the Australian Imperial Forces and served in the army overseas." Paragraph (vi) would read, "the widow of a member of the A.I.F.," and paragraph (vii) would read, "the wife of any person qualified for enfranchisement under any of the preceding paragraphs." It cannot be denied that those who were prepared to give their lifeblood in the defence of their country are justified in demanding a vote for both Houses of the Parliament of this State. Seeing that they were ready to give everything for their country, they should

receive this privilege. Is it contended that the ownership of a vacant block worth £50 is of more importance than the life of the man who volunteers to defend his property? I claim that it cannot be so. Loyalty to King and country are surely of greater value than is a town block worth £50. We would only be giving returned soldiers bare justice if we allowed them to vote for the Upper House. Arguments against such a proposal are ridiculous, and cannot in any circumstances be justified. The widows of men who gave their lives for their country in the Great War are also entitled to the same franchise. I hope members of the Chamber will favourably consider my suggested amendments so that for the future these sections of the community may have a vote for another place.

With regard to married women having a vote, this concession applies only when husbands of such women are themselves entitled to a vote under the preceding clauses of the Bill. It may be argued that this will inflate the rolls without altering the representation in the Legislative Council. Possibly, or even probably, that will be so, but it is no reason why married women should not be given a vote. Some people may claim that the married women of one party will cancel out the votes of married women belonging to another party. That may be so, but is that any reason why they should not be given a vote? I feel certain the extension of the franchise in this direction would increase the security for members of another place when they are representing strictly agricultural provinces, but would make no alteration in the metropolitan or goldfields provinces. The extension of the franchise would also increase the enrolment from about 86,000 to 150,000. Members would also be more satisfied when they realised they were representing in the aggregate 150,000 people, compared with their present representation of less than 87,000 people. We know that the rolls are stuffed to the extent of at least 10 per cent. by the names of persons who have sold their properties and are no longer entitled to the franchise. It would be better for members of another place if they did represent a greater number of electors, although that might make no difference to the composition of the various parties in that Chamber.

Any woman who is engaged in the duty of rearing a family is also entitled to a vote

for another place, and to have a share in the making of the laws and the good government of the country in which she resides. Many people believe in the principle of equal rights and equal pay for both sexes. Whilst I am not committing myself as to the second question, I support the idea of equal rights for both sexes in the matter of the franchise. Married women are justified in asking for equal voting powers with their menfolk. Surely the Legislative Council is not so sacrosanct that it would be defiled or contaminated by the votes of the mothers of the boys and girls of Western Australia. I hope another place will agree to remove this reproach, this stigma, attached to its members, who represent only a monopolistic landed-property class, and will allow a fair expression of the will and wishes of the people of the State.

I doubt whether the Bill will permit of amendments being made to provide for compulsory enrolment and compulsory voting for another place, although I think both are very necessary. Whilst I do not want anyone to think I am in favour of compulsory voting—far from it—I suggest it as a means of making the voting for the two Houses comparable with the conditions of election for each Chamber. I see no justice in compelling people to vote for members of the Legislative Assembly whilst we have another law for the indolent voter of the other Chamber. Difficulty may be found in enforcing the enrolment of electors for the Legislative Council, but there should be no difficulty in compelling them to vote at each election. If this were done, I am sure the present old and out of date rolls would be cleansed by the exclusion of many names that now appear upon them—not fewer than 10 per cent.—of persons who are ineligible to record a vote. I hope members will give sympathetic consideration to my proposals. These will not alter the representation in another place, but will greatly enhance the standing of that Chamber. The proposals would also satisfy a great many people who wish to have a vote for another place, and, I claim, are justly entitled to it. I support the second reading.

Question put.

Mr. SPEAKER: As the Bill must be carried by an absolute majority, I shall divide the House.

Division resulted as follows:—

Ayes	..	..	..	..	26
Noes	..	..	..	..	18
					—
Majority for	..	..	..	..	8
					—

**Ayes.**

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Leaby	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson

(Teller.)

**Noes.**

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Ferguson	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McLarty	Mr. Welsh
Mr. North	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

Mr. SPEAKER: I declare the question carried by an absolute majority of the House.

Question thus passed.

Bill read a second time.

*In Committee.*

Bill passed through Committee without debate, reported without amendment and the report adopted.

*Standing Orders Suspension.*

On motion by the Premier, resolved:

That so much of the Standing Orders be suspended as is necessary to enable the Bill to be passed through its third reading stage at this sitting.

*Third Reading.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [5.13]: I move—

That the Bill be now read a third time.

Question put.

Mr. SPEAKER: As the Bill must be carried by an absolute majority, I shall divide the House.

Division resulted as follows:—

Ayes	..	..	..	..	26
Noes	..	..	..	..	18
					—
Majority for	..	..	..	..	8
					—

**Ayes.**

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Leaby	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson

(Teller.)

**Noes.**

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Ferguson	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McLarty	Mr. Welsh
Mr. North	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

Mr. SPEAKER: I declare the question carried by an absolute majority of the House.

Question thus passed.

Bill read a third time and transmitted to the Council.

## BILL—PARLIAMENTARY DISQUALIFICATIONS (DECLARATION OF LAW).

*Second Reading.*

Debate resumed from the 6th October.

**THE MINISTER FOR JUSTICE** (Hon. F. C. L. Smith—Brownhill—Ivanhoe—in reply) [5.11]: The desire of the Government with regard to this measure is to do the right thing and to approach the question with a reasonable conception of that sense of responsibility and integrity that usually characterises members of Parliament; and with the knowledge, too, that corrupt practices can be properly dealt with by Parliament, whether there be any contract, or sections in the Constitution dealing with them. I do not know that I should endeavour to argue the legal position at length because of the differences of opinion that exist as to how the particular section should be construed. In my opinion there have been no legitimate objections raised against the provisions of the Bill. The first objection of the member for West Perth was that Section 32 of the Constitution Act was different from Section 1 of the English Act of 1782, inasmuch as it was divided into parts. I submit that section is not divided; it is not even divided into numbered paragraphs.

The section is a complete whole, and any indenting there may be in the section itself as it is to be found in the volume of the statutes is merely the outcome of development in the printer's art, and has no bearing whatever on the meaning to be placed on the words contained in the section. The member for West Perth made the extraordinary suggestion that Sir Stafford Cripps, who was Solicitor General in the British House of Commons when the declaratory Act in connection with this particular section was brought down in that House, was ruled by his heart rather than by his head. It seems to me that the hon. member, as a member of the legal profession, in making that statement definitely lowered the standard of his contribution to the debate upon the measure. The most significant part of Sir Stafford Cripps's statement was that he had reviewed all the Acts, and all opinions upon them, and all cases decided under them, and that in his opinion the interpretation placed upon the section by the declaratory measure was the correct one. In making that statement Sir Stafford Cripps indicated that differences of opinion existed among eminent authorities on the question of how the section should be construed. So the member for West Perth, whilst submitting that Sir Stafford Cripps had been ruled by his heart rather than by his head, suggested inferentially that all constitutional authorities who agreed with Sir Stafford Cripps were likewise ruled by their hearts rather than by their heads. With all due deference to the member for West Perth, and having regard to all the circumstances, I consider that at least in that section of his speech he adopted a most pedantic attitude. If all the authorities were in agreement, it might be argued that Parliament had no right to disagree; but where there is such extreme disagreement as is generally admitted, the meaning must be doubtful and therefore should be clarified. The British House of Commons and its members in 1931 recognised that necessity. The English Declaratory Bill was brought down, as I pointed out in my second reading speech, and was passed not only by the House of Commons but also by the House of Lords, and passed by both Houses in extraordinarily quick time. The membership of the House of Lords comprises the members of the Judicial Committee of the Privy Council, which is the highest legal tribunal in the British Empire.

Hon. C. G. Latham: Were those members of the Judicial Committee of the Privy Council in their seats when the Bill was passed, though?

The MINISTER FOR JUSTICE: I am rather pleased that the hon. member asked that question, because Viscount Hailsham, who had charge of the Bill in the House of Lords, is himself a member of the Judicial Committee of the Privy Council, the decisions of which body are recognised in all parts of the world.

Hon. C. G. Latham: Not in all parts of the world.

The MINISTER FOR JUSTICE: The authority of that body is recognised in all parts of the world. As decisions upon British law, its decisions are recognised as authoritative in all parts of the world, if I have to be explicit. Anyhow, I point out that we have Sir Stafford Cripps, an eminent legal authority, in charge of the Bill in the House of Commons, and Viscount Hailsham, an eminent legal authority and a member of the Judicial Committee of the Privy Council, in charge of the Bill in the House of Lords; and both Chambers passed the Bill without any objection being raised. This is not an easy matter to think out and endeavour to deal with in the right and proper way. If the hon. member thinks differently from me, or differently from legal authorities such as Viscount Hailsham and Sir Stafford Cripps on the subject, I have the more confidence in asking the House to agree to the Bill.

Another point to be considered is that the member for West Perth is a member of the legal fraternity, and that as such he would be inclined to have the House put upon the section a strictly legal interpretation, all the more as such an interpretation would be strictly in accordance with the wording of the section rather than with the intention of Parliament in enacting it. But Parliament is not similarly restricted. On innumerable occasions courts of law have been compelled, because of their attitude towards interpretation of laws, to reject the real intention of Parliament on account of some ambiguity existing in a section of an Act or on account of some fault of draftsmanship. But Parliament has the right to say, through a declaratory Act, what in its opinion was the intention of Parliament when passing the particular legislation being considered under a declaratory measure. So there is that

difference between a strictly legal interpretation by some judicial body and the commonsense interpretation that Parliament is able to put upon a section of some Act which is the subject of a declaratory Bill.

The second objection raised by the member for West Perth was that there is a difference between the British Act and the Western Australian Act, because the circumstances of the two countries and their Governments differ. By inference the hon. member suggested that the comparison should be made now, whereas the true comparison—if there is any occasion to make a comparison at all—is between England in 1801, when this particular section was last included in an English Act of Parliament, and Western Australia in 1889, when the section first became part of our Constitution. The question of the differences existing between the respective Governments is not material to the issue. The question is not one of the extent of the ramifications of the respective Governments, or one arising out of the consideration of the extent of the ramifications of those Governments. It is a question of principle to be derived from facts, and the facts disclose that there is a similarity in the kind of activities which both Governments carry on, though not the extent of those activities. Although the member for West Perth in the early part of his speech sought to lay stress upon the difference existing in respect of the ramifications of the two Governments, he was ultimately forced to admit that any difference between the ramifications of the Governments had no bearing whatever on the question. Hon. members will readily appreciate that it is not a question of the extent of the activities carried on by the respective Governments, but of the nature of those activities. That is the point to be considered.

The member for West Perth further suggested that there was a distinction between the two Acts in that the English Act of 1872 had no counterpart to Section 35 of the Western Australian Act. He did not suggest that there was any material difference between Section 32 of our Act and Section 1 of the English Act; but he did suggest that there was a difference because of Section 35 of our Constitution having some reference to an exception from Section 32. Now, Section 32 corresponds to Section 1 of the English Act, and Section 34 of our Act to Section 2 of the English Act, and Section 35 of our Act to Section 3 of the English Act,

except that our Act goes further and exempts from the provisions of Section 32 contracts or agreements in respect of the sale or occupation of Crown lands. Section 36 of our Act corresponds to Section 6 of the English Act. Hon. members will clearly see from which source those sections in our Constitution have come. But the contention of the member for West Perth on the point was, shortly, that as Section 35 of our Act specifically exempts contracts relating to land, and as there is no such exception in the English Act, a material difference exists between Sections 32 of our Act and Section 1 of the English Act. The hon. member submitted that Section 35 of our Act construes Section 32 of our Act to apply to all contracts of any sort. That is the proposition the hon. member put up here. Because there was an exception in Section 35 relating to Section 32, it was to be construed, from the exception, that all references to contracts in Section 32 related to contracts of every kind and sort. In putting that construction upon it, having arrived at that construction by the means which the hon. member adopted, one can see the legal mind prevailing. Throughout the law there are maxims and cardinal rules of interpretation. Many members of the legal profession become wedded to those maxims and rules. Some must necessarily be wedded to maxims. That depends entirely upon their capacity, because sometimes their capacity is such that they must think with other people's minds. Consequently, they must refer to these well-known maxims that are supposed to guide the legal fraternity in the interpretation of statute law. I heard of one of these, which was conveyed to me in Latin. I was therefore unable fully to grasp its meaning, although I gathered that, in English, it meant that where there is an exception, then everything else is included. I looked up in the Crown Law Department a work entitled "Cardinal Rules of Interpretation" to ascertain if I could find the maxim. The work contained a chapter on maxims, but I was unable to find this particular maxim. I did discover, however, that the first maxim in the chapter was that the law should not be fettered by maxims. That was the first maxim set out for the guidance of the legal fraternity in interpreting statute law. If we are to conclude from the arguments of the member for West Perth that the exception in Section 35 means that Section 32 is

to be construed to apply to all kinds of contracts, then I would point out that, in the English Act, patentees of inventions are excepted. That exception was not copied into our Act, but it is included in Section 8 of the English Act. Therefore, if the hon. member is right in his interpretation, the House of Commons and the House of Lords were wrong in passing the English declaratory Act.

Mr. McDonald interjected.

The MINISTER FOR JUSTICE: I have already referred to the pedantic attitude adopted by the member for West Perth in this matter. I have conveyed my opinion to members that he lowered the standard of his contribution to the debate by suggesting that men like Sir Stafford Cripps and Viscount Hailsham were ruled by their hearts rather than by their heads on a matter of such importance as this. I submit the member for West Perth is wrong in suggesting that the Bill is designed to alter the Constitution. The Bill merely proposes to declare the meaning of a provision already in the Constitution. Although the member for West Perth in one part of his speech contended that the Bill would alter the Constitution, later on—by inference—he admitted, when he raised objections to amendments proposed by the member for Katanning (Mr. Watts), that it did not seek to alter the Constitution. The member for West Perth said—

A declaratory Act is, of course, an Act to declare what the real meaning of the Legislature was as expressed in the parent Act. It is not meant to amend the parent Act; it is to declare what the Legislature, in passing the parent Act, meant to say according to the words used in the parent Act.

I agree with that portion of the hon. member's speech. I disagree with that portion in which he stated that by this Bill we were attempting to alter the Constitution. Members should note he did suggest that something on the lines of the amendments proposed by the member for Katanning should be the guiding principle of an amendment to the Constitution, but he disagreed with the member for Katanning that the amendments could be included in the present Bill. The member for Katanning, by proposing the amendments, indicated that in his opinion they could be included in the present Bill, but the member for West Perth disagreed. So we have two members of the legal profession

disagreeing, even in this House, upon a vital measure of this kind. The member for Katanning said the amendments could be included in the Bill; the member for West Perth said they could not.

The statement of the member for West Perth that action must be taken within three months—he was opposing the retrospective provisions of the Bill—is of little assistance to members who are alleged to have offended and are still members of the House. I see no reason why the measure should not be made retrospective, in just the same way as the English Act was. If it is not, then a member borrowing money from the Agricultural Bank or entering into a contract for the supply of electric light or electric current by the Government would be committing a continuing offence. If a person entered into a contract with the Government for the supply of water, he also would be committing a continuing offence, because, in effect, he would be holding and enjoying a particular contract. The member for West Perth is well up in the legal profession and I have profound respect for his ability and opinions, although the other evening I felt I would be just as entitled to say that he was speaking with his tongue in his cheek as he was to suggest that Sir Stafford Cripps was ruled by his heart rather than by his head. Only a few nights ago, when speaking on the Bill, he accused the member for Murchison of preaching to the members of this House.

Mr. Marshall: I believe he accused me of being a dictator.

The MINISTER FOR JUSTICE: As I said, the member for West Perth adopted a rather pedantic attitude when speaking to the Bill. In view of the uncertainty that has always prevailed about the particular section with which he dealt and on which he expressed his opinion in a rather dogmatic fashion—

Hon. C. G. Latham: That dogmatic business of yours is very catching.

The MINISTER FOR JUSTICE: This particular section has been in force for 150 years. I was surprised that the member for West Perth accepted, the other evening, a brief for the defence of the common informer. The member for West Perth did his best in a very bad case. He made a weak effort to justify this class of pimp in the community; he sought to glorify him as a necessary evil for the proper functioning



of the law. I have not been many years in Parliament, but I have been in the House long enough to realise that members of the legal profession in this Chamber can be just as much a hindrance as a help. By that I mean they are just as misled and just as misleading as any other member of the House can be. I can quote instances. I feel the hon. member was in a rather facetious mood when he indicated to the House that I, in my capacity of Minister for Justice, was the official informer. I may be as regards some formal matters associated with my office; but since I have been in office I have never informed on anyone, either officially or otherwise; because there is a provision in the Code whereby the Attorney General may delegate that duty to some other person.

Hon. C. G. Latham: That is just as bad.

Mr. McDonald: It is worse.

The MINISTER FOR JUSTICE: Is it?

Hon. C. G. Latham: Yes.

The MINISTER FOR JUSTICE: If there is anything wrong in what the Minister for Justice has to do in his official capacity as an informer—as the member for West Perth says he is—then the hon. member is entitled to his opinion. I have not yet even signed an *ex officio* indictment. It is well to know that the member for West Perth is on the side of the common informer. There may not be many authorities on the subject of what a common informer is, but I looked up the “*Encyclopaedia Britannica*” to find out the exact definition of a common informer. I found, under the heading of “*Informer*,” the following:—

*Informer*, in the general sense, is one who communicates information. The term is applied to a person who prosecutes in any of the courts of law those who break any law or penal statute. Such a person is called a common informer when he furnishes evidence on criminal trials or prosecutes for breaches of penal laws solely for the purpose of obtaining the penalty recovered, or a share of it.

The member for West Perth complained that the reference in Section 32 to the remission of moneys abroad was archaic. If archaism is to be the test upon which we amend the Constitution, then I say this Government will be with the hon. member in removing everything that is archaic from the Constitution. The provision in the section for the prohibition of the remission of moneys abroad is no more archaic now than it was when it was put in the Act. There

is no greater need for it now than there was when it was inserted. There was no need for it then and there is no need for it now. We are declaring the meaning of something; we are not laying ourselves out to alter the Constitution. There might be some members holding strong opinions on the question of the provisions that should bind members with respect to contracts. We are not dealing with the question of the provisions that should bind them. We are dealing with the question of declaring the meaning of a section that does bind them, and nothing further. In declaring the meaning of a section we must have consideration for the fact that there is a reference to the prohibiting of the remission of moneys abroad in that section. The fact that that provision was put in the Constitution is the absolute and irrefutable evidence that the intention of the framers of the Constitution in respect to contract clauses was that whatever their meaning and whatever their local application, they should be the same as those governing the qualifications of members to sit in the House of Commons. There were doubts then about the meaning of the section. There had been doubts about the meaning for a hundred years before—doubts that have become aggravated possibly since the days when Governments have been more closely associated with public activities than they were then. When the English Parliament declared the meaning of the section, the very obvious thing for this Parliament, which had copied the English law, to do, was to pass in the same year a similar Act to declare the meaning in exactly the same way. If we copy a section of an Act about which there are doubts, the meaning of which is ambiguous, and subsequently those doubts are removed, the obvious and logical thing for us is to do likewise and remove the doubts. The member for West Perth complains of an archaic reference in the Constitution, but he would persist in maintaining a section of the Constitution in a more archaic form than the House of Commons, from which the section came, would maintain it. So I say that notwithstanding the efforts of the member for West Perth and the member for Nedlands to cloud the issue, the passing of this Bill will mean that just as the restrictions under the sections dealt with were identical when adopted, they will be identical now with those

imposed upon members of the British House of Commons. What more do we want? We take sections from an English statute; we place them in our Constitution; we do not know the meaning of them when we place them there. Subsequently the legislature from which we took them declares their meaning. What can be more proper or logical than to declare their meaning in exactly the same way? The member for West Perth and the member for Nedlands argued that we propose to apply an English declaration of the meaning of sections of an Act to an entirely different Act. In answer to that, let me say that we propose to declare the meaning of a section of our Act, which is couched in precisely the same terms as is the section of the English Act, and was, in fact, taken from the English Act, and has precisely the same meaning; and no Parliament is better fitted to declare the meaning than is the House of Commons in which the section originated.

Hon. C. G. Latham: Some of the provisions of the section have no meaning to-day.

The MINISTER FOR JUSTICE: There is no weight whatever in that interjection. What meaning did they have when they were first put in the section? I take it the hon. member is referring to the prohibition against the remission of moneys abroad. It had no more meaning then than it has now.

Hon. C. G. Latham: That might have been put in without having a meaning.

The MINISTER FOR JUSTICE: There are many things in Acts of Parliament that have not much meaning.

Hon. C. G. Latham: Perfectly true, and Acts of this session.

Member: Why put in another one?

The MINISTER FOR JUSTICE: I do not know whether the hon. member appreciates that we are declaring the meaning of a section of the Constitution, and not proposing to amend it. It is contended that in other sections of our Acts we have made exceptions, and that it is to be construed that from these specific exceptions, there is to be deduced the meaning that all contracts other than those specified were included. That is to say, the framers of our Constitution intended that no member of Parliament could post a letter in Western Australia in 1889, or in 1899 when the Constitution was amended; he could not avail himself of a public water supply; he could not make use

of the railway for the carriage of his goods; he could not make use of the telegraph service, the telephone, the savings bank, or any other service that was publicly rendered. I have a better opinion of legislators of the Legislative Council in 1889 and 1899 than to say they intended that no member of Parliament should be permitted to avail himself of any of those services that were publicly rendered at the time.

I do not know whether members opposite are aware that in 1834 an Act was passed by the Legislative Council to establish a postal department. An Act of 1837 provided that the postmasters of Perth, Fremantle and Albany should be independent officers responsible to the Colonial Secretary only. In 1841, a weekly mail was established between York and Guildford, and a monthly mail between Perth and Albany. In the following year a regular mail service was established with all the settled districts, and H. Camfield succeeded as Postmaster-General. In 1853, A. Helmich, who had been made permanent head of the department (Postmaster-General) removed the general post office to Murray-street, but it was taken back to the public buildings in 1857. In 1863, a post office savings bank was opened, and a money order system was established with the United Kingdom and places within the Colony. Further extensions were made in 1876. In June, 1869, a private telegraph line was erected between Perth and Fremantle. This telegraph line, the first in the Colony, was taken over by the Government in 1871.

Hon. C. G. Latham: What is this in reply to?

The MINISTER FOR JUSTICE: This is in reply to the contention of opponents of the measure that the framers intended that members should not be allowed to use any of these public services. I am pointing out the number of public services that were in existence in this State under the control of the Government. If the contention of the member for West Perth is correct, no member of Parliament could post a letter after 1889; no member could send a telegram after 1889. I believe that a railway was established before that year, and so no member of Parliament could despatch his goods by railway after 1889, if the interpretation of the member for West Perth is correct. In 1881 we had 52 post offices, which handled 995,000 letters and 715,000 newspapers.

Hon. C. G. Latham: It cost a few shillings to get that information out.

The MINISTER FOR JUSTICE: In 1889 the Legislative Council passed the Constitution Act, and the member for West Perth and the member for Nedlands contend—I may add that the Leader of the Opposition echoed what they had to say—

Hon. C. G. Latham: I spoke before they did.

The MINISTER FOR JUSTICE: Those members contend that members of Parliament should be deprived of the right to use those services. I say advisedly that it is only so much legal piffle.

Hon. C. G. Latham: You have no right to say it.

The MINISTER FOR JUSTICE: The ex-Solicitor General, Mr. W. F. Sayer, has made the following statement:—

1. Sections 32 to 36 of the Constitution Act do not apply or extend to contracts or agreements made or entered into by any person for the supply to such person, for the rendering of any service to such person, or for the making to such person of a loan.

The subject of the House of Commons (Disqualification) Act, 1782, from which these sections were adopted, is referred to in the textbooks and decided cases as provisions relating to "Government contractors." In the words of Mr. Justice Scrutton, with reference to the Act of 1782, at page 731, of Law Reports K.B. Division, 1913, Volume 3: "The case of a public contractor becoming a member or a member becoming a public contractor are provided for—the election in each case is void."

The marginal note to our Section 32 states its effect in the words: "Persons holding contracts for the Public Service incapable of being elected or sitting."

Of course, I know that the marginal notes are not part of an Act, but they do indicate what was in the mind of the draftsman.

Hon. C. G. Latham: But very often he does not put that into the text of the section.

The MINISTER FOR JUSTICE: That may be so. Mr. Sayer continues—

The section provides that any person who shall undertake, execute, hold or enjoy any contract for or on account of the Government of the Colony, or knowingly furnish or provide in pursuance of any such contract any goods to be used in the service of the public shall be disqualified from being a member of the Legislative Council or Assembly. Obviously, the contract must be for the supply of goods by such person to the Government, and not to such person by the Government. It must be a contract for the Public Service, that is to say, a contract which the disqualified per-

son has undertaken to carry out for and on behalf of the Government; as, in the words of Section 32, to furnish or provide any goods whatsoever to be used or employed in the service of the public. And, by Section 36, it is provided that the foregoing provision shall not, for a limited period, extend to any person on whom the completion of the contract devolves, for example, on a legatee on the death of the contractor. As the only disqualification was of public contractors under agreements undertaken for or on account of the Government, there was no reason for the words at the end of Section 35 relating to leases of Crown Lands.

I may add that the Constitution Act of South Africa, 9 Edw. VII., chapter 9, passed by the Imperial Parliament in 1901, contains no provisions to the effect of the Disqualification Act of 1782.

I have a copy of the South African Constitution, the latest granted by the Imperial Government, and I find that no contractor section is included at all. The ordinary disqualifications relating to members who take an office of profit under the Crown or are insane or become bankrupt are included, but there is no reference whatever in that Constitution to disqualification arising out of the taking of contracts for or on behalf of the Public Service. There is no legal decision of any tribunal of weight or standing that seems to support in any way the idea that this section was intended to embrace all contracts. While the very important point regarding minors' contracts may not have been directly settled by certain decisions on questions arising out of that particular section of the Act, nevertheless the indications are, from some of those cases at any rate, that the learned judges were of the opinion that they applied only to contractors with the Government and not to contractees. Referring again to the maxim mentioned by the member for West Perth (Mr. McDonald), to the effect that where exceptions are provided then everything else is included, if all the sections to which the Bill refers were free from doubt and clear as to their meaning, it would be a different matter. On the other hand, they are not free from doubt and have never been free from that aspect. They are definitely ambiguous in their phraseology, as the member for West Perth knows, so much so that they have led to endless disputation as to their meaning. Because of this ambiguity, the argument that the inclusions are to be deduced from the exceptions falls to the ground.

Mr. McDonald: As a matter of fact, I did not refer to the maxim you mentioned.

The MINISTER FOR JUSTICE: The hon. member referred to Section 35.

Mr. McDonald: But not to the maxim.

The MINISTER FOR JUSTICE: Perhaps not, but I have learnt that maxim since I have been at the Crown Law Department. If any member of this House were challenged with regard to his right to sit as a member because he despatched his products by rail and his defence were in the hands of the member for Nedlands (Hon. N. Keenan) or the member for West Perth, defending counsel would very quickly and properly draw the attention of the court dealing with the issue to the interpretation put upon similar sections by the House of Commons and its endorsement by the highest legal tribunal in the British Empire—the House of Lords. That would be the first point taken in relation to the defence.

Hon. N. Keenan: You are aware that the House of Lords has two distinct functions. There is the House of Lords as a legislative body and the House of Lords as a judicial body, and you are mixing the two.

The MINISTER FOR JUSTICE: I may be.

Mr. Hughes: That is not set out in Pears Encyclopaedia, that is the trouble!

The MINISTER FOR JUSTICE: I think the House of Lords has theoretical rights in this respect but does not exercise them. While it certainly has legal rights, the House of Lords has certain theoretical rights in law on legal questions because of the very fact that the members concerned are members of the House of Lords.

Hon. N. Keenan: No, they cannot sit.

The MINISTER FOR JUSTICE: I do not know that they can sit at all; I have an idea that, in theory, members of that House have certain rights, but owing to modern organisation the legal appeals are dealt with by the Judicial Committee of the Privy Council. Anyway, I suggest that both the member for Nedlands and the member for West Perth, if acting on behalf of a member of this House, would adopt the attitude I have indicated for they would know that, from a decision arrived at in this State there would be an appeal to the High Court and probably the appeal would be taken right through to the Privy Council, where it would be dealt with by the very people

who, in their own Legislature, endorsed these particular proposals. In consequence, I contend that members are better off under existing circumstances than they would be if any attempt were made to specify the contracts that they could enter into. As it is, they are fortified by the declaration of the House of Commons and the House of Lords as to the meaning of the section relating to contracts, as set out in the declaratory legislation. Surely it will be recognised that members are better off than they would be if any attempt were made to amend the Constitution by specifying the contracts they could enter into. Both the member for Nedlands and the member for West Perth suggested that the declaration is altogether too wide in its meaning. But the meaning given to it is only the restriction placed upon members of the House of Commons and the House of Lords. I have already drawn attention to the fact that in the latest Constitution, that of South Africa, no such restricting section has been included. If members of this Chamber feel that they should be more restricted, they are entitled to their opinion. That reminds me of the man who was rescued from drowning and gave his rescuer a penny. The penny was received with the comment, "He knows just how much his own life is worth." So it may be with members of this Chamber. If they advocate that greater restrictions and responsibilities should be placed upon them than is indicated in the declaration, they can vote against the Bill.

Hon. C. G. Latham: We intend to.

The MINISTER FOR JUSTICE: If the Bill implies a sense of responsibility and integrity that is too high, then members can vote against the Bill. The members for West Perth, Nedlands and Katanning have provided the cap for other members, and if the cap fits, let members wear it. I see no reason whatever to change the opinions I held when I moved the second reading of the Bill. We are well fortified by the fact that similar legislation has been passed by the House of Commons and the House of Lords. There is no question about the desirability and necessity for an interpretation that will free the section from ambiguity and remove the doubts that have existed for so long. In my opinion the best way to remove the doubts is to bring the Constitution Act more into conformity with

modern thought, as indicated by the South African Constitution Act, and to declare the meaning as we propose in this declaratory Bill.

*Sitting suspended from 6.15 to 7.30 p.m.*

Question put.

MR. SPEAKER: As the Bill must be carried by an absolute majority, I shall divide the House.

Division resulted as follows:—

Ayes	..	..	..	30
Noes	..	..	..	16

Majority for .. .. 14

**AYES.**

Mr. Boyle	Mr. Panton
Mr. Oollier	Mr. Patrick
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Douet	Mr. Seward
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Leahy	Mr. Watts
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson

(Teller.)

**NOES.**

Mrs. Cardell-Oliver	Mr. North
Mr. Ferguson	Mr. J. M. Smith
Mr. Hill	Mr. Stubbs
Mr. Hughes	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Welsh
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney

(Teller.)

MR. SPEAKER: I declare the question carried by an absolute majority of the House.

Question thus passed.

Bill read a second time.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Declaration as to scope of Sections 32 and 34 of the principal Act:

MR. WATTS: I move an amendment—

That all the words after the word “commissions” in line 5 be struck out with a view to inserting the following:—  
“shall not extend to—

(a) Any contract or agreement (not being a contract or agreement for the construction of any public work within the meaning of the

Public Works Act, 1902-1933) made or entered into by any person with the Crown—

(i) for the supply of any goods, wares, or merchandise to such person; or

(ii) for the rendering of any service including the provision of any insurance or indemnity to such person; or

(iii) for the making to such person upon the security of a mortgage, bill of sale, lien, or other security of a loan:

Provided that such goods, wares, or merchandise are supplied, such services rendered, and such loan made respectively at prices or rates and upon and subject to such conditions and stipulations which are similar to those charged or imposed by the Crown in its transactions of a like nature with other persons in the ordinary course of the business of supplying goods, wares, merchandise, or rendering the service or making the loans as aforesaid and which the said first-mentioned person under the said contract or agreement is bound to pay or observe or comply with:

Provided further that while any such person shall be a member of the Legislative Council or the Legislative Assembly the amount of his indebtedness for principal in respect of any such loan shall not be increased and the conditions and stipulations contained in the security on the part of such person to be observed and performed shall be strictly complied with.

For the purposes of this section the term “the Crown” means and includes the Government of the State and a Minister of the State in his ministerial capacity, any officer of the State acting in his official capacity, any department, trading concern, instrumentality or public utility of the State and any other person or body who or which under the authority of an Act of Parliament administers or carries on for or on account of the State any public social service or public utility.”

I have previously explained that I would support the Bill up to the stage when this amendment could be discussed, and thereafter my attitude would depend upon the fate of the amendment. As the Minister, in his reply to the debate, said practically nothing about the amendment, I propose merely to move it at this stage without any comment.

MR. McDONALD: I have expressed the view that this amendment is not appropriate, but the House has agreed to the second reading of the Bill, and although the amendment is not appropriate—because it amends the original Act, and that is outside the scope of the present Bill—at the same time I think my duty is to support the amendment. I congratulate the Minister upon his stout and carefully prepared defence of the Bill, but he put me rather at a disadvantage because he kept citing the eminent authorities, Sir Stafford Cripps, and

Lord Hailsham, and the House of Lords; and I, a mere person without a title am consequently relegated to an inferior place.

Mr. Marshall: We will call you Lord McDonald then.

Mr. McDONALD: Though the Minister appears to be very much impressed by the various authorities he cited, I adhere to my doubts about the correctness of the Bill. As a piece of special pleading the Minister's speech was very skilful, but while he said all that he could for the Bill, he omitted the only thing that mattered. He said that the Act had no relation to contracts regarding land, but he failed to explain why the Act refers to contracts regarding land. The English Act contains no reference to contracts regarding land, whereas in our Act contracts regarding land are categorically referred to.

The Chairman: The amendment before the Chair is only to strike out certain words.

Mr. McDONALD: That is so, and the words the hon. member proposes to insert refer to contracts regarding land. The Bill with the amendments will set out what I may call a code that will instruct members of Parliament as to what contracts they may or may not make, and I have no doubt that that is the idea of the member for Katanning in moving his amendment. The amendment proposes to strike out the reference to two classes of contracts that the Bill says shall not be entered into by a member of Parliament and in determining whether we shall vote out those two classes of contract—which would mean that the Bill would not prohibit any class of contract being entered into by any member of Parliament, we must have regard to a very wide principle, namely, whether we should have some guide or restriction on contracts with the Crown or the State which may be entered into by members of Parliament, or whether there should be no guide, instruction or prohibition. Under the Commonwealth Constitution certain contracts with the Crown are prohibited. It is the view of the Federal Labour Party that the provisions in the Constitution are salutary and should be enforced. We know that a Federal Minister was recently attacked because he was a director of a company that had entered into contracts with the Postmaster General. The Minister seems to think that because the member for Katanning and I suggest there are certain contracts which members or Parliament should not make with the Crown,

we are impugning members, and indicating they might enter into contracts that are undesirable. That is not so. We say that members should know how they stand in conjunction with the Crown. The Constitution should contain a prohibition against certain contracts being made between members and the Crown. Does the Minister wish the public to understand that his view is that members may make any contracts they like with the Crown? Such contracts may result in the payment of large sums of money to a member, and provide him with considerable profit without in any way impairing his position in Parliament. I think the people would prefer that Parliament should state categorically what contracts shall be made and what shall not be made by members of Parliament. That is why I welcome the amendments of the member for Katanning as being a clarification of the law, and a clear guide to members. I am surprised at the suggestion of the Minister that the Constitution should contain no guide on the subject, and he even thinks the member for Katanning and I have acted improperly in advancing our views. I do not say any member has entered into a contract that is undesirable, but I do advocate the framing of a proper legal code concerning what contracts could be entered into.

Mr. HUGHES: I support the proposal to strike out these words. Had the Minister examined constitutional history he would have found why certain provisions were inserted in the Constitution. The Tudors were quite agreeable to having a Parliament, but took the precaution to control it. Parliament was always under the domination of the Crown, which circulated amongst its members handsome contracts and profitable undertakings.

The CHAIRMAN: The hon. member's remarks had better be made on the third reading.

Mr. HUGHES: This clause deals with the fundamentals of the Bill. It suggests that the Legislature which framed the original section did not know the meaning of the words it used. Can it be said that the Parliament of 1899 had not a sufficient grasp of the English language to understand what it was saying? To suggest such a thing is ridiculous. Why has Sir Stafford Cripps loomed so largely in this matter? The fact that he is a London K.C. is nothing extraordinary. Hundreds of people have success-

fully challenged his opinions, but because he gave a ruling on this one point, he is looked upon as being inspired. If the words the hon. member proposes to strike out are left in the clause, it will become selfish in its operation. Up to now we have known that members of Parliament may not enter into contracts with the Crown. That was rigidly enforced in the case of a Federal Minister who was driven from office because he was a shareholder in a company.

The Minister for Justice: He was a director, and resigned his portfolio, but was not driven out of Parliament.

Mr. HUGHES: He was interested only as a shareholder. As a director he could not enter into any contract with the Crown. But the company itself was entitled to enter into contracts, and if there were any profits he merely got his share as a shareholder. The fact that he was a Minister of the Crown did not give him an additional interest in any profits the company made.

The CHAIRMAN: There is nothing in the amendment dealing with the Federal Parliament.

Mr. HUGHES: A Minister of the Crown in this State may be placed in a dangerous position. If the Bill is passed some Minister may be able to enter into a contract with the very department of which he is in charge. He could make advances from Government funds, and at the same time enter into a contract with the Government. On the one hand it would be his duty as a Minister to enforce the contract, and on the other hand it might be to his advantage not to do so. In business no man can serve two conflicting interests. The reason why members of Parliament are not allowed to enter into contracts is found in the constitutional practice of the Jews.

The CHAIRMAN: The hon. member must not proceed in that strain.

Mr. HUGHES: It was laid down that if a man elected to become a member of Parliament he had to abandon the right to enter into certain contracts with the Crown. The clause proposes to allow certain members of Parliament to contract with the Crown, and it denies that right to other people. If the clause is carried as it stands, then if a man is a merchant and a member of Parliament and he wants to sell his goods to the Crown, he will not be permitted to do so because in the sale of those goods he will make a profit. We say to the merchant, "You can elect to be a mer-

chant or a member of Parliament, but if you elect to become a member of Parliament you must abandon your right to sell goods to the Crown, because if we give you the right to contract with the Crown so that you may get business, you may be influenced in your vote. Thus in order to keep you free from temptation, we will not permit you to enter into a contract with the Crown." That man's freedom as a member of Parliament is gone. On the other hand, if the member of Parliament, instead of being a merchant, is a lawyer, and is prepared to sell his professional services to the Crown, we say to him, "You can accept as many contracts as you like." Why should we say to a man who, as a lawyer, is selling his services, "It is all right for you to enter into a contract with the Crown because we know you will not deviate from your duty as a member of Parliament, and we know that you will not be afraid to criticise the Government." That is all very complimentary to the legal profession, and puts the members of it on a pedestal. It amounts to saying to them, "You have a higher code of honour than anyone else." Why should we make such an indvidious distinction? If we are to say to a lawyer, "Take as many briefs from the Crown as you like, and make as much profit as you can out of trading with the Crown," why should we, in the next breath, say to a merchant, "You may not trade with the Crown because your goods are put up in tins and brown-paper parcels"? Are not both selling services to the Crown? If we are going to say that members of Parliament may contract with the Crown, would it not be better to cut out the clause altogether? Thus if one member can contract with the Crown, all should be able to do so. Why single out the man who is a merchant? I intend to vote for the striking out of the words, but not for the purpose of adding something which, if anything, will make the position worse.

The CHAIRMAN: Until the words proposed to be struck out are struck out, I cannot accept any amendment.

Amendment (to strike out words) put, and a division taken with the following result:—

Ayes	..	..	..	..	23
Noes	..	..	..	..	24

Majority against .. 1

## AYES

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Doust  
Mr. Ferguson  
Mr. Hill  
Mr. Hughes  
Mr. Keenan  
Mr. Latham  
Mr. McDonald  
Mr. McLarty  
Mr. North  
Mr. Patrick

Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. J. M. Smith  
Mr. Stubbs  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Willmott  
Mr. Doney

(Teller.)

## NOES.

Mr. Collier  
Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Hawke  
Mr. Hegney  
Miss Holman  
Mr. Lambert  
Mr. Leahy  
Mr. Marshall  
Mr. Millington  
Mr. Needham

Mr. Nulsen  
Mr. Panton  
Mr. Raphael  
Mr. Redoreda  
Mr. F. U. L. Smith  
Mr. Styants  
Mr. Tonkin  
Mr. Troy  
Mr. Willcock  
Mr. Wise  
Mr. Withers  
Mr. Wilson

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment, and the report adopted.

*Standing Orders Suspension.*

On motion by the Premier, resolved—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through its third reading stage at this sitting.

*Third Reading.*

**THE MINISTER FOR JUSTICE** (Hon. F. C. L. Smith—Brown Hill-Ivanhoe) [8.15]: I move—

That the Bill be now read a third time.

**MR. HUGHES** (East Perth) [8.17]: As I said in Committee, had a little research been made into the principle on which the law was originally based, it would be agreed by anyone possessing the slightest regard for the sanctity of our parliamentary institutions that this Bill should not become law. I have had a good deal of abuse from the Minister for Justice about being a common informer. I do not understand why the member for West Perth (Mr. McDonald) was at such pains to define the official informer and the common informer. In my opinion he failed to draw a distinction between the official informer in Great Britain and the official informer in Australia. Here the real difference is that the common informer gets paid for enforcing the law and the official informer gets paid for not en-

forcing the law. I am perfectly prepared to stand by anything I have done. The Minister for Justice was at great pains to describe how despised is the person described as a common informer.

The Minister for Justice: I did not mention anybody.

Mr. HUGHES: The Minister is not straightforward enough to mention anybody. I am proud of what I have done in defence of the Constitution of Western Australia.

The Minister for Mines: Some men are proud of anything.

Mr. HUGHES: Then the Minister has had great opportunities during his life to develop a high degree of pride.

The Minister for Mines interjected.

Mr. HUGHES: I do not know anyone lower than the Minister, and a comparison like that does not worry me.

The Minister for Mines: Just come outside and I will show you how low I am!

Mr. SPEAKER: Order!

Mr. HUGHES: I shall be outside in due course.

Mr. SPEAKER: Order!

The Minister for Mines: I would not like to be as low as you are.

Mr. SPEAKER: The House must observe the Standing Orders, and realise where we are. I ask the hon. member for East Perth to resume.

Mr. HUGHES: It is strange that if the common informer is so despised and if because I defended the Constitution people are so hostile to me, I have not found any evidence of it throughout the length and breadth of Western Australia. In fact, all the evidence is in the other direction. Though by a clever trick I was defrauded of £600, in two years the amount has come back to me fourfold. So I have no regrets on that score either. If my action has brought me into opprobrium with the people of Western Australia and they so despise me for what I have done, I hope their attitude towards me will never change. I hope they will continue to despise me and consider me opprobrious.

The Premier: Is this relevant to the Bill—this stuff about personal matters?

Mr. HUGHES: I do not know why the Premier should object now, seeing that he raised no objection while the Minister for Justice was giving himself an open go. It is strange that people who want the right to attack members here should squeal and



demand the protection of the Standing Orders when a member has the temerity to reply. Such an attitude is extraordinary. I do not mind it, but here is another strange feature of the attitude of the Minister for Justice towards common informers. To show how insincere he was in his remarks, let me point out that the original Constitution contains a section providing a salutary safeguard for the Constitution. It was inserted years ago for a very special purpose. The framers of the British Constitution knew humanity to be frail, and also knew that there might be an Attorney General who would not be prepared to carry out his duty of enforcing the law. Therefore they provided a safeguard. They said, "A time may come for political considerations to operate. The person who is breaking the law may be powerful with money and with friends, and it may so happen that he would have the Attorney General in his pocket and that the law would not be enforced against him." So those framers in Tudor times decided to insert a safeguard. They provided that default on the part of the Attorney General should not prevent the proper course of law, and that any private citizen could carry out duties which the Attorney General refused to perform although paid a handsome salary to enforce the law. Accordingly that section was inserted in the Constitution. If that section is a bad section and allows persons to be unfairly treated, why did not the Minister for Justice, when drafting the Bill, include a short clause to repeal the section? He did not do so because he knows and honestly believes—

The Minister for Justice: I would not be allowed to do that under the Bill.

Mr. HUGHES: When the Minister for Justice was drafting the Bill, he was not limited to one section of the Constitution. He could have brought down a Bill to deal with the whole Constitution. Or he could have said to the House, "Here is a section of the Constitution that may be misused, and therefore should be repealed." The Minister did not adopt that course because in his own heart he honestly believed the section to be a proper one for inclusion in the Constitution. His advisers also believed that. Every officer of the Crown Law Department would say that the section is a salutary safeguard. Left to themselves, those officers would never recommend its repeal. Neither will anyone sitting on the Treasury

bench ever recommend the repeal of the section. They know it to be a necessary safeguard against corruption in high officials. Accordingly the Minister left the machinery enabling the common informer to take action. But when somebody carries out that law, the Minister showers abuse upon him here. However, he cannot find any clause in Pears' Encyclopedia or in the Aspro Book to support it.

Mr. Marshall: You will never want an aspro. You haven't sufficient brains to cause a headache.

Mr. HUGHES: When the Tudors allowed our ancestors to have a Parliament, they made a point of always having the Parliament under the thumb of the Monarch by distributing emoluments and favours. The 17th century was shocking as regards the numerous members of Parliament enjoying pensions and places. Standard histories of the Constitution, to consult which is far below the dignity of an admirer of Pears' Encyclopedia, tell of £25,000 of public money paid away in one day to purchase the votes of members of Parliament. Any reader of Burke knows how Burke exposed that kind of thing, and how people who were trying to establish a real democracy in England declared, "It is useless to have a Parliament if the Parliament is to be subservient to the Crown." Accordingly this section was included in the British Constitution. A law was enacted that once a man had been elected to serve in Parliament, he should not hold an office of profit under the Crown and should not enter into any contract with the Crown. The moment that rule was established, Parliament became free from Crown influence. No matter what a Minister wanted to do, he could not by distributing places and pensions purchase the votes of members of Parliament. In order that Parliament may be a democratic institution, members of Parliament must be free to vote as they think fit, without anticipating any favours from the Government and without fear of penalties being imposed upon them should they vote in a manner contrary to the wishes of the Executive. The power of the Crown has now passed from the Sovereign in person and become vested in Cabinet Ministers. That system stood the test of time well, until in England, where for years the people insisted on its being observed, certain persons cut down the power. However, Britain has not

all the State activities and trading concerns with which members of Parliament elsewhere can enter into contracts. Take a member of Parliament who contracts with the Agricultural Bank. He may find that, owing to adversity, bad seasons and misfortunes, over which he has no control whatever, he is unable to meet his commitments to the Agricultural Bank. The moment he is in that position, the Minister in control of the department can make him bankrupt and eject him from the House. When he is in that position, he has not the free exercise of his vote in the House. I have heard members complain bitterly of being threatened that if they did certain things they would be dealt with, because they were indebted to the Crown. I have heard such complaints since I was returned to Parliament a second time. Consequently, those members are not free to vote as they desire. They are in fear of being penalised if they vote contrary to the wishes of the Minister, who has it in his power to say, "If you do not vote in a certain way, or if you say something of which we do not approve, you will be put out of Parliament." What can the member do? He has no choice whatever. The Bill proposes to permit a member to enter into a contract with the Crown, but no provision is made to take away from the Minister the power to make a member bankrupt, should he be indebted to the Crown.

The Minister for Justice: Give us another lecture on dummies.

Mr. HUGHES: I think, if I intended to lecture—

The Minister for Justice: If not on dummies, then on companies.

Mr. HUGHES: If I intended to lecture on dummies, I might lecture on dummies in law, or upon the great ventriloquial act of Mr. William Sayer, speaking through his dummy. Notwithstanding that we propose to allow members to contract with the Government, we still propose that the Minister shall retain his power to make a member of Parliament bankrupt and have him expelled from Parliament. What will be the position? Members of Parliament, in addition to their Parliamentary salary, will be able to enjoy the benefit of liberal contracts and engagements with the Crown. Then, through unforeseen circumstances, they will find themselves unable to fulfil their contract. They will then in Parliament be entirely at the will of a Minister of the Crown. They will retain their seat at the will of the Minister,

who can say to them at any time, "Pay up what you owe the Crown. If you do not, we will make you bankrupt, and out you go." How can a member of Parliament perform his duty faithfully in such circumstances? This Bill is going a long way towards destroying parliamentary government. It will take away the very foundation on which a member of Parliament stands—his absolute freedom of speech and action in Parliament.

The Minister for Justice interjected.

Mr. HUGHES: If the Minister would take the trouble to delve a little deeper into the law, or if the voice behind him would speak a little longer and explain to him that in England there are no State sawmills and other trading concerns with which members can enter into contracts, I venture to say he would conclude that even Sir Stafford Cripps would not be a party to a Bill such as this.

The Minister for Justice: He has not got a Defence Department to deal with.

Mr. HUGHES: The Minister is wrong again. In Australia a member of Parliament can contract with the Defence Department. That is a very poor analogy. The Minister also referred to the post office. Any member of Parliament can contract with the post office; that is not a breach of the Constitution.

The Minister for Justice: He could not do so formerly.

Mr. HUGHES: He could not in 1834, but this is 1938.

The Minister for Justice: You are hard put to it now.

Mr. HUGHES: We shall see when the numbers are up! The Minister will learn how hard it will be to defeat the Bill! I venture to say that not even the eloquence of the Minister for Justice will prevail against the good sense of the House. I hope members will stand by the Constitution and leave it as it is. A person is not obliged to be a member of Parliament. If he decides to become a member of Parliament and to accept the emoluments and advantages of the position, he must also accept the disabilities. He makes the first choice; but, unfortunately for him, the electors make the second choice. The position carries with it obligations as well as advantages. Every citizen is not expected to know the law, but he is obliged to obey it. If a lawmaker, a member of Parliament, transgresses the law, instead of

his having to suffer the consequences like an ordinary citizen he comes along to Parliament and says, "I have been a lawmaker for 20 years: I have been making laws for other people to obey. Nevertheless, I find that I, although a lawmaker, am a lawbreaker. I want you to take me out of the ordinary class of citizen and abrogate the law for my benefit. I want you to pass a special Act of Parliament and to make it retrospective, so that I shall be absolved from my transgression." That is a wonderful emolument for a member of Parliament! If a member of Parliament breaks the law, a special Bill is passed to absolve him from his transgression. To the ordinary unfortunate citizen who breaks the law, however, we say, "The law must take its course."

Mr. Withers: Do you suppose that when a man enters Parliament he is not aware of his responsibilities?

Mr. HUGHES: I point out to the member for Bunbury that at least 50 per cent. of lawbreakers transgress the law unintentionally. Half the people who leave their motor cars at a parking place for 15 minutes, when they ought to leave it for only five minutes, have no intention of breaking the law. They leave the car with the best of intentions, but return after 45 minutes to find a little note affixed to it. Those people do not run to Parliament and say, "I have broken the law, I did not mean to do so; will you pass a law to make it retrospective, so that I shall not be prosecuted?" They would be laughed out of court if they did. A member of Parliament who has broken the law should be the last person in the world to set up a howl. He should say, "It is bad luck that I overlooked this law and have transgressed it; the best thing I can do is to try to get as light a penalty as possible and pay it." Of course, it is impossible for a person to know the whole law; it is possible for a man to learn only a small portion of it. Even an oracular lawyer like Sir Stafford Cripps probably does not know 25 per cent. of the law. We cannot, however, admit that ignorance of the law is an excuse for breaking it. If we did, we should have no law. All a man would need to say is, "I did not know the law was in existence." If we absolve him on that account, there would be no law. As I say, ignorance of the law is no excuse. I am sure the Minister for Justice saw that maxim in the book he mentioned. Everybody should pay for

his transgressions. If we absolve members of Parliament for breaking the law unintentionally, we ought to open our gaols and liberate all the men who have unintentionally killed persons in motor accidents. I suppose there has never been a case in this State where a motor driver has wilfully killed a citizen in a motor accident. It is always done unintentionally. The greatest sympathy is always shown to people charged with killing a man in a motor accident. Everybody says, "It is bad luck, he had no intention of injuring or killing his fellow citizen." Nevertheless, he is sent to gaol for a period as long as three years. Although people deplore his bad luck and sympathise with him in his predicament, nevertheless he is not absolved from the obligation to pay the penalty for his transgression. That is necessary in order to protect the public. We must take that stand, otherwise we shall have no law at all. Yet Parliament is asked to pass a Bill absolving a member of Parliament, a Minister of the Crown, who has broken the law, perhaps inadvertently or carelessly. Parliament is asked to pick him out from the ordinary citizens and say, "This man is above the law, he is sacrosanct; if he breaks the law the maxim that ignorance is no excuse goes by the board. Because he is a member of Parliament, because he is a lawmaker, he is at liberty to be a lawbreaker." That goes to the very root of our Parliamentary institutions. We ought to stand firm against this Bill and say that no lawmakers shall be privileged to be lawbreakers. They must take their place with other lawbreakers if they transgress the law and must suffer the consequences. I hope the Bill will be defeated on the third reading.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [8.43]: Some speakers this evening, particularly the last speaker, have laboured long and ardently to make the common informer respectable. That has been the whole reason for the speech of the last speaker. It simply cannot be done. If it could, then we have entered on an entirely new state of mind; because, as long as I can remember, the common informer has been looked upon with contempt, and no person with any pretence of having at heart the decencies of life can alter that. The common

informer has been a reproach in every country of the world, for the simple reason that he has never been actuated by decent principles. No common informer has ever exploited an unconscious breach of the law except for his personal profit. And so the term "common informer," by all the eloquence in the world, cannot be made respectable. The member for East Perth was at special pains to whitewash the common informer—the lowest type of man on the face of the earth. He told us that this Bill confers privileges on members of Parliament to make contracts, to trade with the Government, to enable members to make the best of opportunity while they are in Parliament. That sort of thing might go down on the hustings with an unthinking mob, but not for all time. At some time the people will discover the truth. One cannot live by these methods; one cannot live by conveying untruths to the people. Time will find the offender out. This Bill does no such thing as the hon. member suggested, and I regret that the House to-night divided on party lines, thus conveying an idea—

Hon. C. G. Latham: It did nothing of the sort on the second reading.

The MINISTER FOR LANDS: I thought it did.

Hon. C. G. Latham: It did not.

The MINISTER FOR LANDS: The vote was 24 to 23.

Mr. Doney: No, it was 30 to 16.

The MINISTER FOR LANDS: That is so. The division on the second reading was not on party lines, but in Committee the division was on party lines and the question on which members then divided was really the Bill. The Government is not here to visit the consequences upon an individual who has unconsciously broken the law. There is no man in this House who has a full knowledge of the law. There is no man here, no matter what his pretence might be, who possesses a knowledge of the law. Every member knows that the courts determine the law. Solicitors, with the best intentions, advise a client to take certain action and the client does not succeed. What is the good of anyone coming here and claiming to know the law? The member for East Perth has had a few months in the law and he says he knows the law. Does he know the law? I would hesitate to put any legal business in his hands. He is a boaster and an advertiser

about the law, but he does not know the law. The member for Nedlands, a distinguished member of the Bar, would not claim to know all the law. Neither would the member for West Perth, also a distinguished member of the Bar. They do not pretend such things. None of us knows all the law, because the interpretation of the law is not in our hands; it rests with the courts. The things we say and the things we do to make the law and the things that we mean to be the law are often interpreted by the judges as not being the law.

What is the Government's intention regarding the Bill? To make the position clear and unambiguous, and that can be done by following the principle adopted in England. We are not proposing to give members of Parliament privileges and opportunities. We want to clarify the law so that they will know where they stand, and so that no common informer will be able to take advantage of any member for doing something with the best intentions and the most honest purpose. Take the case of Mr. Clydesdale: I speak of that case because we know the facts. Mr. Clydesdale was a member of Parliament. He accepted an office, which later on was construed by the court to be an office of profit under the Crown. Mr. Clydesdale acted in the best of good faith. The Government of the day that gave him the office was not of this party. The Government offered him the office and passed a measure to protect him. Mr. Clydesdale was assured that he was doing nothing wrong and was running no risk. That was the assurance given to Mr. Clydesdale when he was invited to accept the position. Mr. Clydesdale took it, being fully convinced that Parliament had protected him. We thought we had protected him. But what happened? A common informer came along, and this common informer sued Mr. Clydesdale and the court interpreted the law contrary to the intention of Parliament. This common informer received £200 damages from Mr. Clydesdale, but he did not give the money to charity; he put it in his own pocket.

Hon. P. Collier: And the High Court reversed the decision of the State Court and still he held the £200.

The MINISTER FOR LANDS: That is so, and when Mr. Clydesdale moved to recover it the informer said Mr. Clydesdale

was out to rob and starve his family. Apparently the family of Mr. Clydesdale who had been robbed, did not matter; apparently his £200 did not matter. He had done no wrong; everything he had done was perfectly upright and honourable. But this common informer came along and got £200 damages and put the money in his own pocket.

Hon. P. Collier: And the High Court afterwards said he was not entitled to it but he held on to it.

The MINISTER FOR LANDS: Yes, and would not give back the £200, but spoke about Mr. Clydesdale being out to rob him and his family. Now we are asked to-night to make respectable the common informer. The people do not yet know the facts. Some day they will find out the facts. The common informer that acts in this way cannot be made respectable. There never has been a common informer who did not act in that way except for money. If he sold his country, it was for money. Mr. Clydesdale had done the common informer no personal injury at all, and the office he accepted was taken at the request of the previous Government only after he had been assured that he ran no risk in taking it. In fact, he had been so assured by the legal authority of the Government.

This legislation is designed to make clear the position of members. It seems to be a very popular thing to try to lead the people to believe that members of Parliament are dishonest. People often display envy of those in high places and their conception of members seems to be the worst. All this talk about the common informer taking action in the interests of democracy is so much piffle and humbug. There is no truth in it and never was. Thus a common informer cannot be made a man; he cannot be made respectable. He might be successful for a time, but ultimately he will be found out. I have very much more respect for a burglar than I have for a common informer. If a burglar wants one's money, he takes risks. But the common informer takes no risks at all. Who in this country, except for some immediate expediency, professes friendship for a common informer? I repeat that a common informer cannot be made respectable, and all the eloquence in the world will not make him respectable because his intentions are not good.

Any man that attempts to make capital out of the Government's straightforward in-

tention may profit temporarily, but he will not profit in the end. Doubtless some people will say, "The Government passed a law, rushed it through Parliament, to enable members of Parliament to rob the country." The Government is not doing any such thing and every member is aware of that fact. The position is that a low-down, common informer may get damages from an honourable man because the law is not clear, notwithstanding that the member is satisfied that he is acting honourably. So the Government say, "We will make the law clear and unambiguous, and will do it in the way that has been adopted by the Imperial Parliament." That is all we provide for in this Bill. The member for East Perth may talk to the skies and he may win temporarily, but as for his pretence that he is acting for democracy, well, we know better than that. We know him from the past, a common informer without money and adopting the easy way to get it. I hope no member will ever make capital on the hustings out of the Government's intentions in introducing this Bill. Should he do so, he will be guilty of a great wrong and will not be true to his own good principles.

HON. C. G. LATHAM (York) [9.58]: I think we should be very careful about altering the Constitution Act. The Minister for Lands has forgotten one aspect of the case, namely that the Constitution is the people's law. It is the law that protects the people. Originally the Electoral Act was part of the Constitution Act. Those are the two most important Acts from the viewpoint of the people of the State. Under those laws they elect members of Parliament and have set up a hard and fast Constitution that shall be followed and followed in detail. I do not mean to infer that the Constitution Act is like the law of the Medes and Persians; our Constitution can be altered, but we provide that when any alteration is made, an absolute majority of both Houses shall agree to the alteration. In this case we are altering the Constitution and attempting to take as a guide and principle an alteration made by the House of Lords and the House of Commons. The ramifications of the Government of the United Kingdom are different from those of the Government here. There are so many things that the State Government does that are not thought of or done by the Government of the United Kingdom.

There are so many ways in which members of this House may enter into contracts with the Government that we have to be very careful that a member shall not be granted any preference or privilege over the ordinary man in the street. Hon. members will agree with me in that respect. We need only recall what I said previously that this is the people's law. The object of the law is to protect the people. If we amend the Constitution Act, we must ascertain how it can be policed. It was only in consequence of the remarks of the Minister for Lands that I decided to speak this evening. Section 39 of the Constitution Act says—

If any person under any of the disqualifications mentioned in this Act shall presume to sit or vote as a member of the said Council or Assembly, such person shall forfeit the sum of £200, to be recovered, subject as hereinafter provided, by any person who shall sue for the same in the Supreme Court.

The Minister for Lands says that any person who makes use of Section 39 of what is the people's own Act, framed for the people's protection, becomes a common informer. May I ask the House this question: What remedy would the people have if members of Parliament decided they would take no action at all, and would not enforce the law? I contend there must be some security for the people, and this provision is the only security they have. In order to give some encouragement to the people to enforce their own law, Parliament has provided a reward of £200. That cannot be a bad law. If it is bad law, then the House should amend it and intimate to the people that there is no intention of enforcing any such provision. A public informer, or a common informer, is not the bad person that the Minister for Lands would have the public believe. A person who adopts that attitude and becomes a common informer, is merely defending the rights of the people.

The Minister for Lands: And putting the money in his own pocket.

Hon. C. G. LATHAM: That does not affect the position at all. Parliament has passed the law and while it remains, the legislation is good law. If it is bad law, let us amend the Act. To my mind, this is one of the most important provisions on the statute-book. The Constitution Act is the people's law, and therefore I cannot allow the Minister, without questioning his

attitude, the right to say that a common informer is a poor type of person simply because he enforces the law that Parliament has placed on the statute-book. In providing the reward of £200, Parliament has said to such a man, "All right, if you take action against a member of Parliament because he has sat in the House but is disqualified, we will give you £200."

The Minister for Lands: The police are there to enforce the law.

Hon. C. G. LATHAM: But the people are asked to enforce this law, not the police, so the section cannot be bad law. I admit that a person who deliberately goes out to avail himself—

The Minister for Lands: Do you say that this man did not go out deliberately for it?

Hon. C. G. LATHAM: The Minister knows my attitude in respect to that matter.

The Minister for Lands: Could you justify that?

Hon. C. G. LATHAM: At any rate, I stood up to my responsibility. I definitely said that I supported the legislation that was passed, because of my association with the appointment of the man concerned, despite the fact that I was probably not consulted. I stood my ground.

The Minister for Lands: You were the Deputy Premier.

Hon. C. G. LATHAM: At any rate, I stood my ground and supported the legislation because I said that otherwise an injustice would be done to the man who, in good faith, had accepted a position offered by the Government with which I was then associated. We should remember that our own courts at the time said it was bad law that Parliament had passed. The interpretation placed upon the law by the court was totally different from that adopted by Parliament. The same may apply to the alterations proposed by the Minister. I warn the House that although the Minister has given his interpretation and has claimed to protect the interests of the people, I disagree with his contention. I contend that by his proposal the Constitution will be thrown wide open to abuse. While I do not suggest that opportunity will be taken in consequence, I believe that in future members of Parliament will be able to accept contracts with the Government in almost any direction they may desire. We may have instances of members of Parliament availing themselves of the weak link in the Constitution Act for their own benefit and aggrandisement. Parlia-

ment does not often alter the Constitution because it is the people's law, and for that reason we must be extremely careful in dealing with its provisions. I am prepared to admit that members of Parliament should not suffer greater disabilities than do ordinary citizens outside Parliament, but on the other hand neither should members of Parliament receive preferential treatment. If any privilege is to be given away, it should be to those outside, and not inside, Parliament.

The Minister for Lands: The man outside Parliament suffers no disability, because this does not affect him.

Hon. C. G. LATHAM: We know that. On the other hand, a man may be an ordinary member of Parliament to-day and a Minister of the Crown to-morrow. As an ordinary member, he may have been a client of the Agricultural Bank and secured an advance of £1,000 on his holding. If he becomes a Minister to-morrow, and should make application for a further advance, I am doubtful whether any officer of the Agricultural Bank would say to him, "Your property does not justify any further advance."

The Minister for Lands: You know no member of Parliament would do that.

Hon. C. G. LATHAM: But the opportunity would be provided, and we should be very careful.

The Premier: Do you think Parliament would stand for action like that?

Hon. C. G. LATHAM: How would Parliament know?

The Minister for Lands: The position would be discovered.

Hon. C. G. LATHAM: The Minister for Lands objects to certain individuals becoming common informers. Men become common informers, otherwise he would not have voiced his opinion here this evening. There have been instances of men in high positions in the political life of this State having been prosecuted and sent to gaol. As a matter of fact, the Minister said there was no defence by his Government. We know that a member of Parliament was convicted under the Electoral Act, but he was given a King's pardon. There was an instance such as I refer to.

The Minister for Lands: That was a trivial matter.

Hon. C. G. LATHAM: Never mind: there was an instance. How many pardons have been granted to people outside Parliament for offences they have committed? There is

a law that members of Parliament should be very careful not to violate. If Parliament is not sound, our laws cannot be sound. I have no feeling in this matter except that I oppose the Bill, and I intend to oppose the third reading. I shall not agree to throwing open the Constitution Act to the extent indicated by the amending Bill. The speech by the Minister who moved the second reading made no impression upon me. The interpretation of the declaratory Act of the House of Commons has no application to this law. The ramifications of the British Government and the Western Australian Government are totally different, and their conditions are different. In this State it is almost a matter of extreme difficulty to determine any avenue of business in respect of which there is not some connection between the Government and ordinary business interests.

The Premier: The laws are the same.

Hon. C. G. LATHAM: Not exactly. I do not know what laws the Premier refers to.

The Premier: The law we are declaring.

Hon. C. G. LATHAM: No. The question of transferring money overseas does not enter into the matter because the Government has to make use of the banks equally with private individuals if money is to be sent overseas. I am sorry the Minister raised the issue. While I agree that members should be accorded a certain amount of liberty, I am sorry the Minister for Lands should have described the law as bad because it provided a reward for a common informer. As I said before, if the law is bad, let us alter it, but while the law stands as it exists to-day, I will fight against its removal while I am a member of this Chamber. I regard the provision as the only protection the people have, for it enables one of themselves to put into operation the section of the Constitution Act designed to protect the people themselves.

**THE MINISTER FOR MINES** (Hon. A. H. Panton—Leederville) [9.10]: I had not intended taking part in this debate, but I have observed that during the course of the discussion the real reason for the introduction of the measure has been lost sight of. Even though a member of the Government, I propose to explain my position. The reason for the introduction of the Bill arose from the attack made by the

member for East Perth (Mr. Hughes) on your association, Mr. Speaker, with the Agricultural Bank. That was the origin of the legislation and as soon as inquiries were set on foot it was found that a number of members in both Houses were in a similar position.

Hon. C. G. Latham: It was not intended to apply to Mr. Speaker only.

The MINISTER FOR MINES: I have just mentioned that the attack made upon Mr. Speaker and his alleged association with the Agricultural Bank was the reason for the Bill being introduced and that from inquiries made, it seemed that a number of members of both branches of the Legislature were in much the same position. In order to clear up the matter, the Bill was introduced. During the course of the debate, however, the whole question has swung across to the Government side of the House and the suggestion now seems to be that it is to protect members on the Government side of the House that the Bill has been introduced. I say candidly that for every man on the Government side of the House who finds himself in such a position, there are ten on the other side.

Hon. C. G. Latham: There are not so very many.

The MINISTER FOR MINES: I tell the House frankly that I hope this Bill will be defeated. I tell the Premier that I am prepared to see it defeated, for it does not concern anyone on this side of the House.

Hon. C. G. Latham: We will show you where we are.

The MINISTER FOR MINES: If this legislation is for members on the one side of the House, and for you, Mr. Speaker, I am not going to accept the responsibility of supporting it. I can quite imagine what will happen. A pamphlet from the Democratic League was put into my box a fortnight ago and I presume another one will be put there a fortnight hence. I understand it is published every month. I can visualise the heading "Willcock, Panton & Co. pass law for the purpose of assisting themselves from Treasury funds." Cannot members imagine that happening? There will be no hesitation at all about it. Talk about getting low down to things! I may be doing that, but I certainly am not low down enough to

descend to that sort of thing. I will not place anyone in that position. Irrespective of whether the Bill is a Government measure or not, that is the position we are faced with in consequence of the trend of the debate. The whole question arises as to whether this has been done deliberately or not. Now we find the debate has all swung back on to the Labour Party, and I can see what it means. The manner in which the debate has been swung back on to the Labour Party is rotten, and this sort of thing will react between now and the next election.

Mr. Needham: Assisted by the Leader of the Opposition.

Hon. C. G. Latham: I have not supported it and will never support it.

The MINISTER FOR MINES: If I choose to be as low down in my attitude as some members of this House, I could name some members of another place who will say that even this Bill is not wide enough to cover what has been done in some instances. The member for East Perth (Mr. Hughes) did not mention that. For those members it is all right, but it does not matter what anyone else does. One thing that I have learnt during my experience of public life is that some men can do what they like and get away with it, but they are not Labour men.

The Minister for Lands: No, but they have a good Press.

The MINISTER FOR MINES: I say to the Labour Party and to my Leader on the Treasury bench that Labour members have been put in a rotten position in connection with the Bill. The Minister has rightly defended it, but the debate has swung right back until it is now directed against the Government, and the Labour Government and the Labour movement have been placed in a most invidious position. I am not prepared to go out of this House with the stigma that is going to be placed upon us as the result of the voting on this Bill. Members opposite have been deliberately and decidedly unfair. They knew just as well as I and the Government that when the Bill was brought down it was introduced for the sole purpose of clarifying the position particularly of those associated with the Agricultural Bank. For that purpose and no other the Bill was introduced.

Hon. C. G. Latham: We tried to amend it so that—



The MINISTER FOR MINES: You tried to amend it! The hon. member was told by the Chairman of Committees that if the word was struck out the amendment could not be accepted because it was against the Standing Orders. The hon. member was told that, yet he voted on party lines for the words to be struck out. Members opposite, who were more concerned with the clarification of their position and their association with the Agricultural Bank than anybody on this side of the House, deliberately spoke and voted in a way that put the Government in a most invidious position. I do not intend to be faced with that position without a protest. Whether or not I am, as the member for East Perth said, as low as I can possibly get, I am man enough to stand up for what I believe is right, and I am not going to have my reputation besmirched by men of his type. I am not prepared to allow this Bill to go through and to have a stigma placed on this side of the House.

On motion by the Premier debate adjourned.

## **BILL—WHEAT PRODUCTS (PRICES FIXATION).**

### *Second Reading.*

Debate resumed from the previous day.

**HON. C. G. LATHAM** (York) [9.18]: The Minister explained the Bill very fully last night. With him I regret the necessity for legislation of this kind. To-day the price of wheat on a 4d. freight basis was quoted at 1s. 9½d. bulk and 1s. 10½d. bagged. In view of those prices, one realises the difficulty with which farmers are faced in trying to make ends meet. When we consider that nearly half the wheat is produced outside of the 4d. freight basis, we realise that the amount the farmer receives is proportionately reduced. The Bill provides one method by which some little assistance can be given to the wheatgrower. All it does, as the Minister pointed out, is to enable the Government to appoint a committee to fix a price for flour, with a minimum of £11 per ton and a maximum of £13 10s. The complementary legislation necessary to enable the money to be collected will have to be introduced by the Federal Government. I understand that until each State Parliament passes legislation of this description nothing can or will be done by the

Federal Government. In some States legislation has already been passed, and in other States it is nearing completion. Ours is one of the last States to introduce the Bill. That is due to the fact that the Minister had to travel back to Western Australia from the conference over a long distance, whereas the representatives of the other States could return home in a few hours.

The Premier: They had a week's start of us.

**HON. C. G. LATHAM:** That is so. While the Bill provides something for the farmers, I agree with the Minister that the provision is not adequate. It does not provide anything for those men who have suffered from drought—and there is quite a number of them in this State—to carry on their operations. I notice that in Victoria a Bill has been introduced to provide for £500,000 to be distributed amongst 2,300 farmers. I regret to say that the number that will require assistance in this State will be much greater. I agree with the Minister that something should be done to assist those who have suffered from the abnormally low rainfall that the State has experienced. Particularly is assistance necessary in a State like this which has such a small population. I agree with the Minister that our financial position does not enable us to do very much and that the Federal Government should accept some responsibility. In nearly every wheat-producing country in the world, including Canada and America, the National Government has rendered assistance to the wheat-grower. In years gone by, as a result of low prices, the Federal Government was somewhat generous—though not over-generous—in finding sums of money to assist wheat-growers who had suffered because of low prices. This year it seems that all the money the Federal Government can get hold of will be used for defence purposes.

Mr. Sleeman: The Federal Government is a Country Party Government.

**HON. C. G. LATHAM:** I admit that defence is a very important matter, but so is the agricultural industry important. Unless we look after our industries, there will be very little to defend. The member for Fremantle interjected that he thought the Federal Government was a Country Party Government. I can assure him that the Country Party has less representation in the Federal House than has any other party.

Therefore it has to depend on those that will give it support. I hope the hon. member will ask the Leader of the Federal Opposition to support the Country Party in the Federal House because I believe that with the aid of the Labour Party we may be able to get some assistance.

Mr. Sleeman: It looks to me as if this is going to be a family man's taxation Bill.

Hon. C. G. LATHAM: One advantage that the family man has over the farmer is that if there is an increase in the cost of living the worker can obtain some benefit from the quarterly adjustment, whereas the farmer has no adjustment. The hon. member knows that the Arbitration Court takes into account the cost of living in fixing the basic wage, and he can thank this side of the House for that quarterly adjustment. Previously the adjustment was annual. I hope he will give us credit for the improvement.

Mr. Sleeman: You said that the National Governments in other countries went to the assistance of the farmers. Why has the National Government here not done so?

Hon. C. G. LATHAM: In those countries there is no Labour Party of any strength, but in Australia there is a very strong Labour Party that sees only the point of view of the industrialists and not that of the agriculturists. The Bill is a simple measure. It conforms to similar Bills introduced in the Eastern States. I have had an opportunity of perusing three of those Bills, and while the phraseology is not identical in all cases, the principles are identical, and the clauses that provide for the fixation of prices are almost word for word the same. I regret the necessity for this legislation. I have no pleasure in supporting it and I am sure the Minister had no pleasure in introducing it, but I think the House will realise that something must be done to assist the wheatgrowers. If they are not assisted, they will have to join the ranks of those that are to-day seeking employment in some other avenue. That would be a very serious matter. The members representing the goldfields area realise that the greatest competition faced by workers on the goldfields comes from the farmers and the sons of farmers who have had to leave their holdings because their work has been unremunerative. We desire to keep these men on the land, but we cannot keep them there with

wheat at its present price unless other assistance is afforded them.

The Federal Government should realise that the agriculturist and the gold producer, and those men that are producing goods for overseas, are the only people that are providing overseas credit. Support is given to secondary industries by way of tariffs and some compensation should be given to people engaged in primary production. As the caring of those engaged in secondary industries is the responsibility of the Federal Government, so should it be the business of the Federal Government to look after those occupied in primary production. The House will agree that there is not one manufactured article we could export that would face competition in other parts of the world. The only articles which we can place in competition with those overseas are our surplus wool, wheat and similar commodities. To ask the primary producing section of the community to carry the burden they are asked to carry and to produce goods for export overseas is unfair. We will give the Minister all the support we can to ensure the passage of the Bill. The drafting of the Bill is difficult to understand in parts, but it generally follows the lines of the Eastern States legislation, and I presume that serious consideration has been given to the wording by draftsmen in the other States. Any mistake that occurs will affect all the States and adjustments will doubtless be made if necessary.

**HON. N. KEENAN** (Nedlands) [9.27]:

The representatives of the non-agricultural areas of the State on this side of the House are only too glad to support the Bill. We have heard from the Minister and the Leader of the Opposition that the amount of good the Bill can achieve is very limited. On the face of it, men in need of sustenance will get none whatever. I refer to those who have no crop at all. They will have to depend on charity—perhaps even the cold charity of the Government—if they expect to carry on at all. However, the Bill before us does provide something of advantage to the farmer, though it will impose some burden on the ordinary consumer. Fortunately, that burden, to some extent, will be derived from the Eastern States. If the proposal had been confined to Western Australia it would have been, of course, almost valueless, but this State will derive some small

benefit from the large consumption of wheat that takes place in the other States.

Hon. P. D. FERGUSON: Especially if the measure is made permanent.

Hon. N. KEENAN: If the measure is really a benefit, it will be of greater advantage if it is permanent. I would like to express the view of the party with which I am associated by saying that we desire to share in the passing of any legislation which on the face of it appears to offer a possible remedial measure to the afflicted wheat-growers. I can assure the Minister that we will do all we can to facilitate the passing of the Bill.

**MR. BOYLE** (Avon) [9.30]: I have pleasure in supporting the Bill. It will fix the price of flour on a fluctuating basis at from £11 to £13 per ton. The Bill has nothing to do with the distribution of the money, for that will be left in the hands of an equalisation committee and will be determined by the Federal legislation. I should like first to deal with an interjection made by the member for Fremantle (Mr. Sleeman). He said, "This is taxation of the family man." Our policy of protection is a factor which was dealt with exhaustively by the Wheat and Flour Industry Commission. In its report the Commission pointed out that the wheatgrower had no protection under the Australian system of tariffs, but that many other primary products had protection. I refer particularly to sugar. Presumably the hon. member is not opposed to the protection afforded to sugar in Queensland, as a primary product. I do not know his opinion.

Mr. Sleeman: Why say that if you do not know?

Mr. BOYLE: That protection is an impost on the family man of about £7,000,000 per annum for the benefit only of Queensland. The total that would be raised in Australia under this legislation upon 650,000 tons of flour consumed in Australia would be approximately £3,250,000 annually, considerably less than half of what is levied from the Australian public for the upkeep of the primary industry of Queensland. The people of Australia have no right to claim a sweated loaf, a loaf produced from the wheat of the farmer for a most inadequate return. The only man in the whole scheme of things who does not receive a fair deal from the growing of the grain

is the farmer. A few days ago I saw a notice in a shop window in Merredin, "Bread, cash 4d., delivered 5½d., booked 6d." That explains the whole thing. At 4d. the baker makes a good profit. I see a smile on the face of some of the representatives of bakers in the gallery. When a flour or bread Bill comes up for discussion they are always on the job. During all the years I have fought for the farmer I have never found a baker or a flour-miller to stand behind the representatives of the farmer. In Melbourne, when we tried to get a better price for wheat, the President of the Flourmillers' Association said that if the wheatgrowers received a fixed price of 3s. a bushel and this meant an increase in the price of bread, the streets in Melbourne would flow with blood: and he was smoking a 2s. cigar when he said it. Under this Bill the difference between the cost of wheat and the cost of flour is the sum from which the farmer will benefit. I hope every effort will be made to prevent the distribution of the money as is now proposed by the Federal Government. The intention, I understand, is to distribute the money on a bushel-age basis that will inflict great hardship upon Western Australia and Victoria. The farmers on 1,000,000 out of 3,000,000 acres in this State will receive little or nothing if that basis of distribution is adhered to. Some of our farmers will receive 10s. per acre on the bounty basis because of their yields of 20 bushels to the acre, and others will get a return of upwards of 25 bushels to the acre. These farmers will receive anything from 10s. to 12s. an acre, while at least 2,500 farmers will receive little or nothing. I know the Minister has done his best, and so I cling to the hope that it is not too late to effect a change in this regard.

Mr. Marshall: I understand that the Federal legislation has not yet been decided upon.

Mr. BOYLE: The matter has been before the Government, and up to now it has been decided to distribute the money on a bushel-age basis.

Mr. Marshall: The matter is still in doubt.

Mr. Seward: The point was decided at the Premiers' Conference.

Mr. BOYLE: Yes. This is a co-ordinating Bill. When the States have passed their legislation the Federal Parliament will put through an enabling measure. This really

fixes a home price for wheat in Australia, but does not help in the production of wheat for export. Out of an average of 150,000,000 bushels this tax will apply only to 32,500,000 bushels, which is the equivalent in wheat of the flour consumed in Australia. On the home price basis the wheat-grower will receive money on only one bushel out of every five that he grows. Members need not be disturbed concerning the prodigality of the help that is given to the wheat-grower, who is producing four bushels in excess for export. On this excess the Royal Commission said he had to pay from 6d. to 9d. per bushel for the protection of secondary industries in Australia. On every bushel of wheat he produced the extra cost of production amounted to 6d. or 9d. per bushel. Members say we make too much of the tariff position on behalf of the grower. The evidence is against that contention. The Royal Commission pointed out that the extra capital cost to every wheatgrower in Australia through the incidence of the tariff amounted £500 per wheat farm. This is the considered opinion of the Commission, which was an excellent one and delivered a monumental report in 1935.

Mr. North: And the interest charges amount to 1s. 6d.

Mr. BOYLE: I am dealing with the findings of the Royal Commission as they relate to the tariff. The underlying principle of the Bill, and of the proposed Federal legislation, is to give the farmers the benefit of a home price for wheat consumed as flour in Australia. The authorities have overlooked the 6,000,000 bushels which the wheatgrower provides for stock and for the poultry industry. The wheatgrower produces 6,000,000 bushels of wheat a year without any protection, but he sells it for what he can get, or at export rates, to the poultry and stock-raising industries of the Commonwealth. That is equivalent to £300,000 a year which the Australian grower provides for the maintenance of these industries. The Bill lays down that this shall not be interfered with. The measure is not a prodigal one, nor does it provide a just equation when it lays down only a home price for flour. We are not complaining, but we do not say that the Federal Government should charge a home price to the poultry raisers. We realise, however, we would be penalising another section of primary industry if we asked for that.

Mr. Marshall: If you had to export that wheat, would you get as good a price for it?

Mr. BOYLE: Of course we would.

Mr. Marshall: But no better.

Mr. BOYLE: No.

Mr. Marshall: So that you have a ready market here for it.

Mr. BOYLE: It is no more a ready market than if we had to export it.

Mr. Marshall: But you would not get a better price if you did.

Mr. BOYLE: No. Nevertheless we are subsidising the poultry industry of Australia.

Mr. Marshall: It is subsidising your market.

Mr. BOYLE: Suppose that industry had to import its own wheat, the tariff would be at the rate of 1s. 1d. per bushel.

Mr. Marshall: But you have the market here now.

Mr. BOYLE: It is of no advantage to the grower, because he could ship the wheat away at the price he now gets for it. The wheat industry is a home industry, just as is the flour industry.

Mr. Marshall: Do you think an additional 6,000,000 bushels supplied to an already glutted world market would make any difference to it?

Mr. BOYLE: At 1s. 9d. a bushel I suppose it would make but little difference. On the 2nd March, 1933, a conference was convened by the Federal Government to deal with the question. It was a representative conference and consisted of growers, buyers and shippers and millers. It passed a resolution which is practically embodied in this Bill, namely—

That this conference recommends a flour sales tax to provide a fund to assist the growers, or as an alternative to raise the rate of exchange so as to secure for the growers 3s. per bushel net.

What the wheatgrowers carried was a resolution of which the Federal Government took no notice, though it provided the solution of the problem for growers. The Minister for Lands referred to this when he said he proposed a price of 3s. 10d. f.o.b. or 3s. 4d. at sidings. It is precisely what was agreed to at the 1933 conference. The growers agreed then that the Federal Government should take over all the wheat direct from the growers on the basis of 3s. 4d. per bushel net at country sidings, equal to 3s. 10d. at ports. That is the only solution, and would be the

ultimate salvation of the wheatgrowing industry. It would mean a restriction in acreage, but that must come. Every bushel of wheat in Australia is grown under exacting tariff conditions, and the only solution would be the purchase of the whole crop by the Federal Government. The member for Murchison would say that was socialism.

Mr. Marshall: I would not comment upon that.

Mr. BOYLE: If that is socialism, I am prepared to be a socialist. I see no future for the industry in any other direction. Let us look at the position of the family man. What does the family man get back from the industry? In Western Australia he receives £600,000 per annum by way of railway freights on wheat. He gets £100,000 back by way of freights on superphosphate and he gets at least another £100,000 in other freights—a total of £800,000 that is distributed. I was speaking to Mr. Beasley in Sydney and I acknowledge that we have had a good deal of help and advice from him, but unfortunately it did not materialise on the floor of the Federal Parliament, where Mr. Beasley said he would give support to the Bill.

Mr. Sleeman: You did not doubt him.

Mr. BOYLE: No, because I knew he was in earnest. The only matter I complain about is that he did not discuss it on the floor of the House. May I ask the member for Fremantle what would happen to his 400 or 500 lumpers if no wheat were going to his port? One can scarcely visualise the position. I ask the House to be fair and when we request this particular help, I do not consider that the argument that we are getting it all can carry any weight. I need only point out that this year alone it will require no fewer than 150 vessels to ship the wheat from the ports of Australia. The industry is the largest employer of labour in the Commonwealth.

Mr. Marshall: I will back the gold mining industry against it.

Hon. P. D. Ferguson: The gold mining industry in Western Australia alone?

Mr. BOYLE: I have no intention of pursuing the matter further beyond commending the Government for the action that was taken so promptly and so thoroughly in this regard. The Minister for Lands did his job well indeed. So far as I know he represented our case very well.

Mr. Marshall: He always does, but you do not always appreciate it.

Mr. Sleeman: Everything you have had has been given to you by the Labour Government. You have said so.

Mr. BOYLE: No, the hon. member said so.

Mr. Sleeman: I will read to you what you said.

Mr. BOYLE: I have always given credit where credit has been due, both inside and outside the House, but Labour has not always given me everything I wanted for my people. Unfortunately since I have been a member of this House, Labour must have been in reverse because many things have been asked for that have not been granted. I have pleasure in supporting the Bill.

**MR. MARSHALL** (Murchison) [9.50]: If the Bill were to do exactly what members opposite believe it will do, not one member would hesitate to support it; that is, if the Bill has been ostensibly moved to assist the farmer. We have not had any time to give consideration to the Bill. I was desirous of knowing exactly what was behind it and for the purpose of learning all I could about it, I sat behind the Minister while he was moving the second reading last night. Apart from giving us the detailed wheat yields and the fluctuations of prices over a period of years, he then briefly stated that a committee was to be formed to fix prices, both maximum and minimum for flour and by-products. That was about the extent of what I learned. What does the Bill really propose to do? It merely states that power will be given to establish a committee that will have authority to regulate prices.

The Premier: With the consent of the Minister.

Mr. MARSHALL: I do not care whether the consent of the Minister is there or not. That is all the Bill will do. We do not know what the farmers are going to receive or on what basis money will be paid to them. We do not know another solitary thing about it. In other words, we intend to impose a tax on the consumer and we will hand over to the Federal Government a blank cheque.

Mr. Boyle: That is wrong.

Mr. MARSHALL: Will the hon. member state where I am wrong?

Mr. Boyle: Where is the blank cheque?

Mr. MARSHALL: We give the Committee the right to regulate and control prices within limits set out in the Bill.

Mr. Patrick: That is as far as the State Parliament can go.

Mr. MARSHALL: Yes, we hand over a blank cheque.

Mr. Patrick: The Federal Government will have to introduce legislation as well.

Mr. MARSHALL: I thought I would have got some information from the member for Avon whom I look upon as an authority. He has had long experience of the tribulations and trials of farmers. The hon. member said that the price would be based upon the bushel, but he could not vouch for it. I will summarise the measure by saying that it is merely a Bill of deception and that we are leading the poor unfortunate farmers to believe that we are going to give them material assistance. We are really giving them 6d. a bushel—

Hon. P. D. Ferguson: No, 4s. 10d.

Mr. MARSHALL: What is the actual price of producing a bushel of wheat?

Member: About 3s.

Mr. MARSHALL: And the present price of wheat is 1s. 9d. Thus he will get an additional 6d. which will bring the figure to 2s. 3d. If he receives 2s. 3d. he will still be 9d. behind the actual cost of production. The position as I see it is that the people who will profit by the Bill are the bankers and those who have mortgages over the farmers. This is merely a matter of stabilising the farmer's debts, and the farmer is being led to believe that the measure will do him some good. Really it will prolong his agony. If we are to bleed the community white let us do it properly. We have no right to deceive the unfortunate farmers. For years they have struggled and we have alleviated their position and led them to believe all the time that ultimately they would be rehabilitated. The Bill will not rehabilitate them; it is only for the benefit of those who hold the farmers in the palms of their hands.

Hon. P. D. Ferguson: The Agricultural Bank holds about half of them.

Mr. MARSHALL: I wish it clearly to be understood that the farmer will not benefit by the measure; he will still produce wheat at a loss. How long can the industry retain its position if it is to continue to produce wheat at a loss. As I said, why prolong the

agony because the crash must ultimately come? We are going to say to the farmer, "We know you cannot continue to produce wheat at a loss, but we will assist you to continue to produce it at a loss a little longer in the hope that somewhere, some day, and somehow, your position will be improved." That is the position as I see it and I suggest that behind the Bill are those to whom money is owing. It is not introduced to assist farmers and we are not sincere and conscientious. When wheat was 11s. a bushel bread was no more than 6d. per loaf.

Mr. Patrick: When was it 11s.?

Mr. MARSHALL: It was 11s. abroad and 9s. here. The farmers were cheated out of 2s. a bushel during the war period. When the farmers were receiving 9s. in this State bread was 6d., and now we are making a poor attempt to give him 4s. 8d. or 4s. 10s. when really he will get nothing of the kind. If we are desirous of doing anything for the farmer, if the industry is worth stabilising, let us make a sacrifice and do the job thoroughly.

Member: The price of wheat had no effect on the price of bread at the time you speak of.

Mr. Boyle: It costs 1½d. to deliver a loaf.

Mr. MARSHALL: I would not doubt that because the distribution of all our products is over-capitalised.

Mr. Sleeman: Where does it cost 1½d. to deliver a loaf of bread?

Mr. MARSHALL: Whatever the cost the effect is obvious. Bread to-day is within a halfpenny or one penny of the price it was when wheat was 9s. per bushel: and yet wheat has been sold, I understand, at 1s. 9d. per bushel. Someone is making a huge profit out of wheat and its by-products to-day. I am not prepared to say who it is, but I do know that the distribution of all our commodities is well over-capitalised. We have that state of things in the bakery, the butchery, the grocery and every other line of business. There is the desire to overlap. We find bakers running from Fremantle to Perth, and Perth bakers running to Fremantle, with the result of additional overloading, the added cost going on to the price paid by the consumer. We shall have these schemes as long as we permit them to continue. If we tackled the

problem at that end, we might do some good. We might even assist the farmer to get a price somewhere near the cost of production.

I wish to draw attention to another feature. It is continually argued that wheat is one of the products that keep our overseas debt somewhat stabilised. I agree with that view. We owe huge sums of money, especially in England; to a lesser degree, I believe, in America. I am speaking Commonwealth-wide now.

Mr. Seward: Half in each, pretty nearly.

Mr. MARSHALL: I would think it was a little more in England.

Mr. North: Much more in England.

Mr. MARSHALL: I think, nearly twice as much in England as in America. However, I am not prepared to argue the question. My desire is to emphasise that when we borrow in those countries, actual money is not issued to us. We are obliged to take goods. The lenders give credit for the amount of the loan, and for that we are obliged to take goods. Yet when we wish to repay, the lenders will not take our goods in exchange, but demand actual cash.

The invidious feature of the situation is that these people control the money market, and also control commodity prices. We can struggle till the last drop of lifeblood is gone in attempting to send sufficient commodities to those creditor countries, in the endeavour to liquidate our debts to them. We shall only cause our creditors to lower the prices of the goods we have to sell. We shall never get out of debt. We should say to those oversea lenders, "You gave us credit, and we accepted commodities instead of cash. We will pay in the same way. If you are dissatisfied, you can be dissatisfied as other creditors are and do without payment altogether." The position would be far different if we could regulate prices. but the very people to whom we owe money are the people who regulate prices. They ensure, by manipulating money, that we shall never get sufficient for our commodities to enable us to repay our debts.

I want to tell the farmers of Western Australia that if I could see the Bill was going to be of material or even slight benefit to them, I would do as hon. members opposite me are doing, accept it with both hands. But the Bill is a delusion and a deception. Under it the unfortunate farmer will merely have to struggle on for

years and years, unless of course as the result of commercial rivalry and of the intense hatred between nations another war can be provoked, and thus commodity prices be forced up. Otherwise our farmers will remain in the same deplorable circumstances as exist to-day. Has not that always been the farmer's lot? Yet we allow him to believe that he is to get something out of the Bill. In reality, all that will happen is that a little will be paid off his debt. As soon as it appears that he is likely to get out of debt, down will go the price of his commodity. The farmer will never get out of the lender's clutches. And that is what we are attempting to achieve by a measure of this kind.

I do not know what the Minister has to say as to price fixing. He has not said whether there will be power to fix the price of bread. I assume that is so, because bread is a wheat product. Neither did the Minister indicate that there would be a direction from the Government to bring the present price of bread, having regard to the price of wheat, into conformity with the price of bread prevailing when wheat was 9s. per bushel. If that could be done, the price payable to the farmer for his wheat could be increased materially without the consumer suffering. I do not know what the Minister has in mind. I deliberately sat behind him with the sole intention of getting a full digest of what is actually and really proposed. The Bill is extremely vague. It merely gives power to establish a committee, and that committee will be empowered to fix prices within limits. I tell the farmers of Western Australia that I fail to see how the Bill will do them one iota of good. As a result of this measure, the farmers will not be able to get one additional penny's worth of clothing or boots or shoes or any other necessity, because the amount which will be subscribed is bound to go either into the banks or to those holding mortgages over farming properties. Some little part of the debts owing will be liquidated. When there is a prospect of the farmers' finally liquidating their accounts, the prices of their commodities will be further reduced by those controlling world's parity prices. The Bill being altogether indefinite, I am not prepared to vote for it. I am not too sure but that the consuming public will have to pay; and if that is so, we shall again meet that

invidious anomaly that the greater the family the greater the tax.

Mr. Boyle: That applies to everything.

Mr. MARSHALL: But we do not stand for that.

Mr. Boyle: We do not agree with it, but we tolerate it.

Mr. MARSHALL: I am not prepared to support the sugar combine, for instance, any more than I am prepared to support the tobacco combine. These combines are none of them beneficial, or very few of them are. I suggest that any monopolies outside State monopolies are extremely harmful to society. If the Bill passes, the farmer's unfortunate wife will not have one more shilling in her purse to spend on urgent necessities. The money will merely go to stabilise the debt system. So far as it does that, I object to it. If our farmers are to be ultimately crushed, we may as well crush them now instead of prolonging their misery for a few years and explaining to them, "We have failed, and you are done."

I wish to reply to statements made by the member for Avon (Mr. Boyle). To a great extent those statements are true. But here is their remarkable aspect. In my electorate there are squatters who have put thousands of pounds and years of labour into properties, and have lost everything. Some of them who formerly had thousands of sheep, now number them by hundreds. The State is not doing anything for those squatters. It is true that Parliament has relieved them of payment of their annual rents, but nothing more. Is not the wool industry of some importance? Is it not valuable to the State? Take the gold industry. I have seen one mine after another closed down. Miners struggle to establish homes of their own, spending hundreds of pounds in the effort. Then the mine closes down. The miner locks the door and walks out, leaving the home to the aborigines. With the miner go his unfortunate wife and children. When fortune smiles upon the father, they get another home. No one helps those people. On the other hand, wheat farmers are either fortunate or unfortunate in having in this Chamber representatives who continue to plead on their behalf and who support such a Bill as this, leading the farmers to believe that they will derive some benefit from it. That benefit the poor unfortunate wretches can never get. We may as well

tell the truth now. Otherwise we shall have to tell it in later years. The Bill merely stabilises debts. Dave and Dad won't get another pipeful of tobacco out of the Bill, nor will Mabel or Mum get another dress. The creditors will get every penny. The farmer will still have to go on producing wheat at a loss. Therefore I refuse to support the Bill.

**MR. PATRICK** (Greenough) [10.13]: There is one point with which I think the Minister might have dealt, and which must have been discussed at the conference between representatives of the States and the Federal people. That is what amount it would add to the bushel of wheat if the subsidy were paid on the bushel basis. I have heard the amount mentioned as somewhere in the neighbourhood of 6d., but the point is that, probably since the return was made up, there has been a big falling-off in the estimate of the probable production of wheat in Australia. The estimate is now down 57,000,000 bushels, and the export would not be more than 80,000,000 bushels, which, at 4s. 8d. a bushel home consumption, would pay at least 9d. per bushel. In that case, owing to the heavy reduction in the Australian crop for this year, it might still be possible to pay somewhere in the neighbourhood of 5d. or 6d. per bushel and yet have a large amount available for distribution among farmers who have no crop. We know the position in regard to wheat this year is that prices have fallen largely owing to the competition of the United States, Canada, the Argentine, and Australia for the limited quantity of wheat to be purchased by importing countries. The countries named, by competing amongst themselves, are actually forcing down the price in order to get sales. As I have frequently contended before, there is no such thing as a world-price for wheat. If the Australian grower received the price which France and Russia are receiving to-day from the British Empire, he would not get 1s. 9d., but only 1s. 3d. a bushel. That is on the basis of sales recently made by France. The trouble, as I see it this year, is that the exporting countries will have a very large surplus of unwanted wheat. It is not a matter of selling the whole of our wheat production at 1s. 9d. a bushel; it is a matter of selling a large proportion of it at any price at all, because



this year the quantity of wheat on the market is over 500,000,000 bushels in excess of the quantity last year. Last year the quantity was little more than sufficient for the world's consumption. Those four countries have to carry over, somehow or other, 500,000,000 bushels into next year. The Minister has pointed out that almost every country, except Australia, has a guaranteed price of some sort. The importing countries also have a guaranteed price for the farmer. Great Britain has an elaborate scheme; there the guaranteed price is 45s. per quarter, or 5s. 7½d. per bushel. Great Britain has over 100,000 registered growers, and payments on flour are collected from over 2,000 millers. The levy is very high when world prices are low, but it disappears when world prices reach the guaranteed price of 45s. a quarter. For instance, the amount varied from £7,200,000 in 1933 to £1,300,000 last year. I think it is time the Australian Government evolved a long range policy of equalisation on those lines. Some basic price should be fixed on what is considered to be a profitable price to grow wheat. Operations should be carried on in the same way as are the operations in sugar, over a series of years. We all know that if it were not for the fact that sugar was specially controlled, its price in the Australian market would be 1d. to 1½d. per lb., instead of 5d. or 6d. per lb.; and sugar is not nearly so important in Australian economy as is wheat.

This year the position in Western Australia is much more serious than it was in 1930, as the average yield was then 13.5 bushels to the acre. This year the average may be eight bushels. In 1930, owing to the low price, a fairly substantial bonus was paid. In that year every farmer, with the high average yield collected some of the Federal bonus. This year hundreds of farmers will draw nothing from the home consumption price scheme, as they have no wheat. That is why I raised the point that, owing to the low production of wheat in Australia this year, the amount available would probably be considerably more than the estimate of 6d. a bushel, and there would be a large sum available to assist farmers who had no wheat at all. No doubt, as the Minister has stated, the Federal Government should supplement the present scheme to assist drought- and pest-stricken settlers. This year we should have the assistance of Victoria, which has had a bad season. In ordinary years, we

might not have had the assistance of other States; but this year we should have the assistance of Victoria. We are worse off than is Victoria. While Victoria has had one bad year, many of our farmers have had a run of disastrous seasons for four consecutive years.

It is time the public realised, as the member for Avon mentioned, the enormous benefit that the wheat industry has been to the State in providing work. In 1930, out of the low price received, £1,588,000 went to the community for rail and handling charges. That represents 25 per cent. of the price that the farmer received that year. Last year, as I pointed out some time ago, the increased revenue of the railways was mainly due to the increase in the wheat yield. I also pointed out previously that the price of wheat has little or no effect upon the price of bread. I said that if the farmer gave his wheat to the miller and the baker, then according to their estimates of production costs, bread would still be in the neighbourhood of 4d. a loaf. It is necessary only to give a few instances. The figures I am quoting were prepared by the Government Statistician. In 1921, when wheat was 7s. 4d. a bushel and flour £19 17s. 8d. a ton, bread was 6d. a loaf. The maximum price that the Bill proposes to fix for flour is £13 10s. a ton. I think bread to-day is in the neighbourhood of 6d. a loaf, even with flour at a low price.

The Premier: The price is 5½d. a loaf.

Mr. PATRICK: In 1925 and 1926, when wheat was 6s. 1d. and 6s. 3¼d. per bushel, flour was in the neighbourhood of £16 per ton, while bread was retailed at 6d. a loaf. Therefore, we cannot say that the fixation of a maximum price of £13 10s. per ton for flour will have any great effect on the retail price of bread.

Mr. Marshall: Whenever we try to fix prices, you people oppose us.

Mr. PATRICK: You will have the opportunity of fixing the price of bread under this Bill. I am supporting the Bill as some acknowledgment that the farmer is entitled to a little consideration in a highly protected country. The only point on which I am doubtful is whether, under present world conditions, the bonus—if paid to the farmer—may not be ultimately used to force down the price of wheat, owing to the severe competition with which we are faced. That, however, is a matter which we cannot take

into consideration. My view is that we should adopt a long-range policy for wheat, just as we have done for sugar. In the circumstances, as the Bill will confer some benefit on the farmer, I intend to support it.

**MR. SLEEMAN** (Fremantle) [10.23]: I would not have risen to speak to the Bill had it not been that the member for Avon (Mr. Boyle) got quite hot under the collar because of an objection raised by me earlier in the evening.

Mr. Boyle: I am quite cool now.

**MR. SLEEMAN**: He said that we had no friends of the farmer on this side of the House. I told the member for Avon, by way of interjection, that everything the farmer now has that is worth anything at all was given to him by the Labour Government. There is no doubt that the farmers will be looked after by the members of the Labour Government. They will receive more consideration from us than they will get from the Federal Country Party.

Mr. Boyle: Is that why you are opposing the Bill?

**MR. SLEEMAN**: I am not opposing it merely for the sake of opposing it, but because I think the farmer should have been assisted in another way. He should have been helped by his so-called friends who have the power to assist him. While the farmers are crying out for assistance, we find their so-called friends talk of spending £11,000,000 on one battleship. Yet they have not a few pounds to help the suffering farmers of Western Australia, Victoria and the other States. I think it would be much more to the credit of those so-called friends if, instead of spending £11,000,000 on a battleship, they came to the assistance of the farmer and did not pass the cost of that assistance on to the consumer.

Mr. Boyle: The consumer will have to pay the £11,000,000 for the battleship.

**MR. SLEEMAN**: The member for Avon said that the lumpers would be affected if the Bill did not go through. The lumpers would have been as well off under a bounty, as they would be under the provisions of the Bill. No attempt was made to get the dust out of the bulk wheat. The money for the farmer should be provided by the proper authority, the Commonwealth Government. I agree with the member for Nedlands (Hon.

N. Keenan) who earlier in the session, when speaking on this subject, said—

Two methods are suggested for arriving at that result.

That is, to assist the farmer.

One is by the grant of a bonus of sufficient amount to pay to the grower in respect of each bushel of wheat which he grows a sum that will at any rate cover him from any loss in growing that wheat. The other method is by from time to time bringing into existence a home price for wheat.

I believe that is so. It would have been infinitely preferable had the Commonwealth Government done its job, instead of expending money on a battleship.

Mr. Patrick: The facts are against you.

**MR. SLEEMAN**: I hope something will be done even yet to try to force the Federal Government to come to the assistance of the farmers of Australia.

#### THE MINISTER FOR LANDS (Hon.

M. F. Troy—Mt. Magnet—in reply) [9.27]: The member for Murchison (Mr. Marshall) said he stood behind me and yet did not hear what I said. I therefore propose to repeat it.

Member: Not all of it.

The MINISTER FOR LANDS: No. This is what I said—

The Bill before the House is the result of that agreement, and the Crown Law authorities of all the States have conferred and agreed upon its main principles, which I understand are satisfactory to the Commonwealth Government. It empowers the Governor to fix minimum and maximum selling prices for flour and all wheat products, that is, bread, bran and pollard and any other declared wheat products. The Governor in fixing maximum and minimum prices, may fix the price having regard to certain factors, but it is provided that he may not fix a price for "best baker's flour at less than £11 per ton or more than £13 10s. per ton, delivered on the buyer's premises at Perth in bags containing approximately 150 lbs. in weight. The definition of flour is set out in the Bill, but does not include any substance for use as or in the manufacture of breakfast foods. Wheat for birds and live-stock is also exempted from the provisions of the Bill. Neither does the Bill provide for the fixing of prices for flour or any other substance sold for export from Australia. To carry out the intention of the Bill and to administer its provisions, power is taken for the appointment of what is termed a "Wheat Products Prices Committee," which shall consist of a chairman and two members to be appointed by the Governor. The board will have the responsibility of recommending to the Governor the maximum and minimum

prices for any wheat commodity in any portion of the State and, for the purpose of obtaining the fullest information, will have the powers of a Royal Commission under the Royal Commissioners' Powers Act, 1902. The prices fixed may vary having regard to—

- (a) the place of delivery to the buyer;
- (b) the locality of the State in which the substance is sold or delivered;
- (c) the quantities in which the substance is sold;
- (d) whether the substance is sold by wholesale or retail;
- (e) the nature of the bags, packages or containers in which the substance is sold;
- (f) the quality, grade or variety of the substance; and
- (g) any other matters or circumstances.

Members may talk about the advisability of a bonus, or express a preference for a bonus scheme, but unfortunately the Commonwealth Government will not take such action. That Government has definitely said so. That is why the States had to get together and devise a plan. The member for Murchison said the farmer would not derive one iota of benefit from this legislation, but that statement was not correct. Wheat will be fixed as though prepaid 4s. 8d. per bushel at the siding, or the equivalent free on rail at port, and the difference between the parity price and 4s. 8d. will be put into a fund from which the farmers will be paid a bonus. If that is to be the position, how can it be said that the farmers will not benefit one iota? Does the member for Murchison know that if we had an average harvest we would receive £500,000 from the Eastern States consumers? We share in the pool, the greater proportion of which money is contributed by the larger populations of the Eastern States, and I repeat that if we had an average harvest we would secure a return from them of £500,000. How can the hon. member's contention be supported? Then again, he said we were giving the Federal Government a blank cheque. What does he mean by a blank cheque? We hand over nothing to the Federal Government except the basis on which it must operate, and then the Federal Government returns a cheque to the farmers of Western Australia.

Mr. Patrick: The Federal Government send us back cash.

The MINISTER FOR LANDS: The member for Murchison said the Government was allowing the farmer to believe that the legislation would be of some use to him. The Government is allowing the farmer to

believe nothing except that he will get some return as a result of this legislation, and of the Commonwealth action that will follow. What exactly the farmers will receive I do not know.

Mr. Marshall: That is the point.

The MINISTER FOR LANDS: How could I know? How could anyone else know, until we ascertain what the harvest will be and how the equalisation fund will work out? I stated in the Press, and I still think, that this scheme will result in the farmer receiving 6d. a bushel on the whole of his saleable crop. The member for Williams-Narrogin (Mr. Doney) said that as the crop was not as good as was expected, calculations would be affected correspondingly. That may be so. If the crop is less than anticipated, then the proportion for home consumption to the actual crop will be greater, and it is possible that the farmer will get more than 6d. a bushel. I cannot say exactly, because the equalisation fund has yet to be created.

Mr. Seward: Overseas prices will affect the position.

Mr. Patrick: Do you think there is any prospect of portion of the fund being provided for farmers who have had no crops?

The MINISTER FOR LANDS: I cannot say. I advocated that course at the last conference. I discussed the matter with the Premier of Victoria, in which State the farmers are in a position somewhat similar to that of Western Australian growers. I pressed him to secure a distribution along those lines, and he agreed to do so. The Victorian Government is pressing for the distribution on an acreage basis. However, I understand another conference is to be held almost immediately to consider what plan shall be adopted. A new situation has arisen subsequent to the previous conference in August. The season has since proved a failure, and the forthcoming conference will have to determine how this money will be paid and on what basis. Members know that I cannot give facts that are not known to myself. Much as I dislike the method proposed, it is the only one open to us, because the Commonwealth Government will not adopt a course similar to that followed by Administrations in other parts of the world. In those circumstances the State Governments have to face the position as the Commonwealth Government will not act along

the lines I have indicated. I have explained my opinion of the Commonwealth Government's attitude, and I do not desire to repeat it. Unfortunately, I do not believe in the method proposed for raising the money. That method resolves itself into the poor helping the poor, as is the position in most parts of the world. I would have preferred the money to be raised from some other source, but the Bill represents the only proposition that the Federal Government would agree to. The member for Murchison gave us a lecture on economics, but it was all very futile. What can we do about it? What does he intend to do about it? We know what has been forced upon us. What can the small population of Western Australia and what can this Parliament do about it? We know what happens on the other side of the world. We know how money is borrowed, and how goods come back to us. But how can we improve the situation? We must face the facts as they are. While we may not agree with the proposed method, we can do little else but adopt the scheme.

Mr. Marshall: In the early days men fought for their rights, and that is more than we do.

The MINISTER FOR LANDS: What power have we? What control have we over conditions abroad? The only way we could fight the position here would be to impose heavier taxation on our own people.

Hon. C. G. Latham: And you would get very little from it.

The MINISTER FOR LANDS: It will be said by members opposite that in this dark period for the wheatgrowers their commodity cannot be sold. There are no buyers for the wheat in this country.

Hon. C. G. Latham: That is true.

The MINISTER FOR LANDS: How can we adequately meet that situation unless we propose to tax the people so heavily that they would not agree to such an imposition? Much as I dislike this legislation, I am forced to present it in order to alleviate the situation to some small extent. This is all that the Commonwealth Government will do.

Mr. Sleeman: Can you explain why England has bought Rumanian wheat instead of Australian wheat?

Hon. C. G. Latham: How could the Minister be expected to explain that?

The MINISTER FOR LANDS: I have not the explanation in my mind, but how could we prevent it?

Hon. C. G. Latham: The probability is that Britain has guaranteed interest, and that by this means some return is being secured.

The MINISTER FOR LANDS: If Great Britain buys wheat from Rumania, that is her business. If we passed a resolution of protest, would Great Britain bother about it?

Hon. C. G. Latham: Perhaps that is the only way she can get her interest back.

The MINISTER FOR LANDS: No doubt Great Britain could give a very good reason for the transaction. Members will recollect that comparatively recently the Federal Government sent a very important trade delegation to England, but that delegation returned empty-handed. It got nothing, so what could the Legislative Assembly of Western Australia do? I want to emphasise the fact that this is the first time a price-fixing Bill has been introduced.

Mr. Sleeman: There was one in 1920.

The MINISTER FOR LANDS: But this will be permanent legislation.

Mr. Marshall: I hope not. I hope prices will be so good in future that this legislation will not be made permanent.

Mr. Seward: It will continue on.

The MINISTER FOR LANDS: Any increase in the price of wheat must affect the price of flour and bread, I admit; but the committee to be appointed under the Bill—which I hope will be a competent committee—will have to investigate the facts before agreeing to recommend the Government to increase the price of either flour or bread. This measure provides the first opportunity for any investigation into wheat prices and products.

Mr. Sleeman: Do you intend the measure to be permanent?

The MINISTER FOR LANDS: Yes; I hope that feature will be. The Minister retains the power to revoke, and so his hands are not tied. While the Bill operates, there will be, for the first time, a means provided by which an investigation can be made into prices of wheat and wheat commodities. I ask hon. members to vote for the Bill, because I see no other way of achieving the object desired.

Hon. C. G. Latham: Leave the matter open to us, anyway.

The MINISTER FOR LANDS: For some years I have gone to conferences in Canberra, and I have always opposed this way of raising the money. However, the Fed-

eral Parliament still resists, still refuses to take action; and because the plan formulated is the only means of doing anything, I ask the House to support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

*Standing Orders Suspension.*

On motion by the Minister for Lands, resolved—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through its third reading stage at this sitting.

*Third Reading.*

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [10.46]: I move—

That the Bill be now read a third time.

**MR. SLEEMAN** (Fremantle) [10.47]: Before the Bill goes through I wish to take the opportunity of saying that it would be much better if members on both sides here and also in another place were to expedite industrial measures as this Bill has been expedited to-night. We have shown that we are out to assist the farmer in every way possible, and I think we may expect a little reciprocity.

Hon. C. G. Latham: That is not fair to us.

**Mr. SLEEMAN**: I have not said that either the Leader of the Opposition or the member for Avon (Mr. Boyle) has not reciprocated. However, there are members of Parliament who are not assisting to put industrial legislation on the statute-book. I believe farming members will agree that the Labour Government is at all times prepared to assist the farmers. In return, may we expect a little reciprocity when we are trying to get industrial measures through this place and another Chamber?

**MR. MARSHALL** (Murchison) [10.48]: Neither will I delay the passage of the Bill, but I wish to reply to the Minister, who asked what we could do to combat obstacles placed in the way of making some progress towards the betterment of the farmer. I suggest that at every possible opportunity members of the Cabinet who are specially

blest in that direction should fight for the farmer's betterment. The history of those who pioneered the Labour movement shows that the movement began with a group of men harassed by police and attacked by the Press and by all people of importance. Had those early leaders adopted the attitude that they could do nothing against such formidable opponents, we would not be sitting here to-day. They fought for the cause on the platform and at every possible opportunity. Their voices, weak and humble at the beginning, developed, and right prevailed. I agree with the Minister's statement that this Bill is the only alternative, but I say that the Government failed to seize opportunities for fighting the octopus that compels these compositions. The next point is that the Minister said the farmer will benefit. I contend that personally the farmer will benefit from the Bill no more than he benefits now by an increase in world's parity prices. Personally he does not benefit. The only difference is in his banking account. His liability is reduced.

**Mr. Patrick**: His spending power is increased.

**Mr. MARSHALL**: How much would the hon. member suggest the farmer will have placed in his pocket for his own personal use?

**Mr. Patrick**: The Minister gave the total a little while ago.

**Mr. MARSHALL**: Yes, the Minister gave us more information when he replied than he did on the second reading. He never mentioned those facts in his second reading speech. I admit that the Minister, when he replied, gave me all the information I was looking for in the first place. I am thankful for that. I join with the member for Fremantle in saying that we have to face a ghastly position when we attempt to impose any obligation or some imposition on another section of the community. We endeavour to have industrial Bills passed simply in order to facilitate the operation of the law. We introduce machinery measures to provide for effect to be given to the intentions of previous Parliaments, but those measures are objected to and they receive the order of the political boot after having very little consideration or review in another place. But measures to support the farmers are passed without demur.

**Member**: Passed in one hour!

Mr. MARSHALL: Yes. Bills for the benefit of the farmer are passed very quickly. We take the same time in passing Bills for the benefit of farmers as the representatives of farmers in another place take to throw out industrial Bills.

Mr. Styants: They would throw them out here if they had the numbers.

Mr. MARSHALL: Members of the Opposition are under no obligation to do anything here. They are in the happy position of being able to sit quietly and not say a word, because they know the bills will be going to their political doom in another place. I do not like this Bill. I said I would oppose it, but, as one Minister has said, what can we do against this formidable crowd?

Question put and passed.

Bill read a third time and transmitted to the Council.

*House adjourned at 10.54 p.m.*

## Legislative Council.

*Thursday, 10th November, 1938.*

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The PRESIDENT took the Chair at 4.30 p.m. and read prayers.

### QUESTION—STATE TRANSPORT CO-ORDINATION ACT.

*Licenses Granted to Hawkiers and Others.*

Hon. J. M. DREW asked the Chief Secretary: 1, Have any licenses been granted

under the State Transport Co-ordination Act, 1933, to hawkers or other persons for the transport from or near the coast of goods for sale within the Cue, Mt. Magnet, Yalgoo, Black Range, Meekatharra, Wiluna and Murchison Road Districts? 2, If so, what restrictions have been imposed on licenses? 3, If restrictions have been imposed, what action has been taken to ensure that they are being observed? 4, What is the number of such licenses operating in respect of each of the road districts referred to?

The CHIEF SECRETARY replied: 1, Twenty-two licenses have been granted for transport to the districts named of goods such as radio sets, small lighting plants and refrigerators, as samples or for demonstration purposes. Only one license is in force for the hawking of goods in those districts (namely, plaster cast ornaments); the loading in that instance is limited to one hundredweight only, additional supplies to be railed. 2, Articles carried for demonstration may be disposed of only in cases of urgency or emergency, in which event similar articles must be forwarded by rail to replace those sold. The object of the condition, where sales in exceptional circumstances are permitted, is to avoid giving the vendor any competitive advantage over local retailers. 3, Licensees are required to submit certified returns showing particulars of the goods consigned by rail, these returns being reviewed by the board before renewal of licenses. 4, The licenses mentioned in the foregoing are each operative in all the districts referred to.

### QUESTION—FINANCIAL EMERGENCY AND HOSPITAL TAXES.

*Receipts, Monthly Publication.*

Hon. H. SEDDON asked the Chief Secretary: 1, What amount was received during the month of October for—(a) Financial emergency tax; (b) Hospital fund contributions? 2, Will the Minister see that his promise, made on the 12th October in answer to a question asked by me, is carried out? The information regarding financial emergency tax and hospital fund contributions was not included in the published reports for October.

The CHIEF SECRETARY replied: 1, (a) £84,351; (b) £19,276. 2, Yes; the information will be included in the printed monthly financial statement, which is pub-